

UNITED STATES OF AMERICA

IN THE WESTERN DISTRICT OF MICHIGAN – SOUTHERN DIVISION

Derek Antol, individually and as next friend of
DSAIL, a minor, and Devon S. Antol, and Tryston Antol,
Plaintiffs,

File No: 1:17-cv-613

v.

Adam Dent, Kate Straus,
Casey Bringedahl, Casey Trucks,
Pete Kutches, and Western Michigan
Enforcement Team, a public
body organized under the laws of the
State of Michigan,
Defendants,

Hon. Janet T. Neff
U.S. District Court Judge

**PLAINTIFFS' OPPOSITION TO MOTION FOR SUMMARY JUDGMENT BY
DEFENDANTS DENT, STRAUS, BRINGEDAHL, AND KUTCHES**

Attachment 2 – Derek Antol affidavit

STATE OF MICHIGAN)
) ss:
COUNTY OF MUSKEGON)

AFFIDAVIT

Derek S. Antol, being duly sworn, states:

1. Affiant is an adult and competent to testify to the assertions in the affidavit on personal knowledge unless otherwise noted.
2. I never received any type of tax assessment from the Michigan Department of Treasury as a result of the inspection of July 9, 2014.
3. Attachment A to this affidavit is an electric bill for 885 E. Apple Avenue for account number 1000 6177 0663 for one of the two meters at the location.
4. Attachment B to this affidavit is an electric bill for 885 E. Apple Avenue for account number 1000 6177 0739 for the other meter at the location.
5. Attachment C to this affidavit is the organization documents for the Greater Michigan

Compassion Club filed with the Michigan Secretary of State.

6. Attachment D to this affidavit is the organization document for Deuces Wild Smoke Shop filed with the Michigan Secretary of State.

7. Attachment E is a photograph of the signs by the door to the southern portion of the building.

8. Attachment F is a copy of the IRS Form 1040 Schedule C for Deuces Wild I filed in for tax year 2013.

9. Attachment G is a copy of the IRS Form 1040 Schedule C for Personal Care which was the activity of Greater Michigan Compassion Club with me as the service provider I filed for tax year 2013.


10. Attachment H is a true and accurate still shot from the video surveillance of the tax team members first entering the building at 885 E. Apple Ave. on July 9, 2014 with Mr. Parolini being the first one through the door. The time stamp is accurate and shows them entering at 1:05:00 p.m.

11. Attachment I is a true and accurate still shot from the video surveillance of the arrival of Defendants Dent and Straus with the search warrant. The time stamp is accurate and shows them entering at 4:37:24 p.m.

Further your affiant sayeth not.

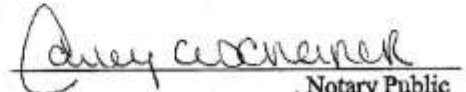
Oct. 5. 2018 3:37PM

No. 9744 P. 3



Derek S. Antol

On the 5 day of October, 2018, Derek S. Antol appeared personally before me and swore to the facts contained in the above affidavit.



, Notary Public
Muskegon County, Michigan
My commission expires: Dec. 27, 2023

Carley A. Schaner
Notary Public, State of Michigan
County of Muskegon
My Commission Expires December 27, 2023



I 100061770663 000000246397 0000 2056 8 000000000000 H

In case of a power outage, you can choose from a variety of options to stay informed at work, at home or on the go. Report outages and get service restoration updates using our 24/7-customer service line or mobile-enhanced online outage map at www.ConsumersEnergy.com/outagemap.

Sign up for our free eNewsletter and webinars at www.ConsumersEnergy.com/business.

In case of an emergency, call us immediately day or night at 1-800-477-5050.



DEREK S ANTOL
885 E APPLE AVE
MUSKEGON MI 49442-3737

LANSING, MI 48937-0001

Account Number: 1000 6177 0663

Due: 08/14/14 Enclosed:

Total: \$246.39

Include Corrections/Comments on Back ☐

Fold, detach and mail top portion with payment. Make check payable to Consumers Energy.

Detail of Current Charges

Elec Gen Sec Rate GS Com

Rate: 1100

Meter Number: 11762777

POD: 0000000963810

Meter Begin Read: 70028

Meter End Read: 71474

Read Type: actual

Total Metered Energy Use: 1446 kWh

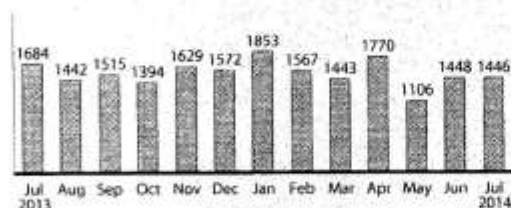
Electric Power Supply Charges

Energy	1446 @ 0.099744	\$144.23
PSCR	1446 @ 0.004560	\$6.59

Electric Delivery Charges

System Access		\$20.00
Distribution	1446 @ 0.037011	\$53.52
Energy Efficiency		\$8.89
LIEEF Residual U-17174		\$0.01
Securitization	1446 @ 0.001385	\$2.00
Securitization Tax	1446 @ 0.000849	\$1.23
Low-Income Assist Fund		\$0.99

Total Electric **\$237.44**



Aug 2013 - Jul 2014 Usage 18185 kWh

July electric use 1446 kWh

Electric use per day 47 kWh

Electric cost per day \$7.66

Summary of Charges

Account Number: 1000 6177 0663

Service:

DEREK ANTOL
885 E APPLE AVE
MUSKEGON MI 49442-3737

Last Month's Account Balance	\$234.76
Payment 07/01/14 - Thank You	\$240.00-
Balance Forward	\$5.24-

Payments applied after Jul 23, 2014 are not included.

Total Electric	\$237.44
Sales Tax	\$14.19
Total Energy Charges	\$251.63

Total Amount Due **\$246.39**

Billing Period	06/22/14 - 07/22/14
Bill Month	July
Days Billed	31
Invoice	201715114255

Your next scheduled meter read date is on or around 08/20/2014.

Your payment is due August 14, 2014. After the due date, the unpaid balance is subject to a 2% late payment charge.

News You Can Use

Renewable energy charge at \$0. The renewable energy plan monthly surcharge, which began September 2009, is currently \$0. The amount varies each month, and this is the first time it has been \$0.

Questions about your bill? Get an explanation of all charges and learn more about the sections of your bill at www.ConsumersEnergy.com/business.

Sign up for our valuable eNewsletter: Learn smart ways other businesses are saving every month. The eNewsletter covers energy saving tips, rebate incentive updates and much more. Visit www.ConsumersEnergy.com/mybusiness and choose "Evaluation Tools."

FREE facility energy assessment online. Spend a few minutes with our Online Facility Assessment Wizard and uncover a wealth of information that can lower your energy costs, increase efficiency and improve your bottom line. Visit www.ConsumersEnergy.com/mybusiness and choose

Consumers Energy Count on Us

ATTACHMENT B

I 100061770739 000000295170 0000 2056 7 000000000000 H

In case of a power outage, you can choose from a variety of options to stay informed at work, at home or on the go. Report outages and get service restoration updates using our 24/7-customer service line or mobile-enhanced online outage map at www.ConsumersEnergy.com/outagemap.

Sign up for our free eNewsletter and webinars at www.ConsumersEnergy.com/business.

In case of an emergency, call us immediately day or night at 1-800-477-5050.



DEREK S ANTOL
885 E APPLE AVE
MUSKEGON MI 49442-3737

LANSING, MI 48937-0001

Account Number: 1000 6177 0739

Due: 08/14/14 Enclosed:

Total: \$295.17

Include Corrections/Comments on Back ☐

Fold, detach and mail top portion with payment. Make check payable to Consumers Energy.

Detail of Current Charges

Elec Gen Sec Rate GS Com

Rate: 1100

Meter Number: 8291825

POD: 0000000963811

Meter Begin Read: 42502

Meter End Read: 44305

Read Type: actual

Total Metered Energy Use: 1803 kWh

Electric Power Supply Charges

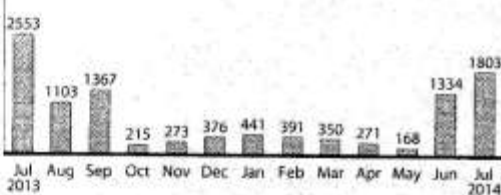
Energy	1803 @ 0.099744	\$179.84
PSCR	1803 @ 0.004560	\$8.22

Electric Delivery Charges

System Access		\$20.00
Distribution	1803 @ 0.037011	\$66.73
Energy Efficiency		\$1.63
LIEEF Residual U-17174		\$0.01
Securitization	1803 @ 0.001385	\$2.50
Securitization Tax	1803 @ 0.000849	\$1.53
Low-Income Assist Fund		\$0.99

Total Electric

\$281.43



Aug 2013 - Jul 2014 Usage

8092 kWh

July electric use

1803 kWh

Electric use per day

58 kWh

Electric cost per day

\$9.08

Summary of Charges

Account Number: 1000 6177 0739

Service:

DEREK ANTOL
885 E APPLE AVE
MUSKEGON MI 49442-3737

Last Month's Account Balance	\$216.91
Payment 07/01/14 - Thank You	\$220.00-
Balance Forward	\$3.09-

Payments applied after Jul 23, 2014 are not included.

Total Electric	\$281.43
Sales Tax	\$16.83
Total Energy Charges	\$298.26

Total Amount Due \$295.17

Billing Period	06/22/14 - 07/22/14
Bill Month	July
Days Billed	31
Invoice	201715114256

Your next scheduled meter read date is on or around 08/20/2014.

Your payment is due August 14, 2014. After the due date, the unpaid balance is subject to a 2% late payment charge.

News You Can Use

Renewable energy charge at \$0. The renewable energy plan monthly surcharge, which began September 2009, is currently \$0. The amount varies each month, and this is the first time it has been \$0.

Questions about your bill? Get an explanation of all charges and learn more about the sections of your bill at www.ConsumersEnergy.com/business.

Sign up for our valuable eNewsletter: Learn smart ways other businesses are saving every month. The eNewsletter covers energy saving tips, rebate incentive updates and much more. Visit www.ConsumersEnergy.com/mybusiness and choose "Evaluation Tools."

FREE facility energy assessment online. Spend a few minutes with our Online Facility Assessment Wizard and uncover a wealth of information that can lower your energy costs, increase efficiency and improve your bottom line. Visit www.ConsumersEnergy.com/mybusiness and choose

Michigan Department of Energy, Labor & Economic Growth

Filing Endorsement

This is to Certify that the ARTICLES OF INCORPORATION - NONPROFIT

for

GREATER MICHIGAN COMPASSION CLUB

ID NUMBER: 70913L

received by facsimile transmission on August 18, 2010 is hereby endorsed

Filed on August 18, 2010 by the Administrator.

The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.



In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 18TH day of August, 2010.

A handwritten signature in black ink, appearing to read "A. Hughes", is written over a horizontal line.

Director

Bureau of Commercial Services

AUG-18-2010 14:02
SUBKID-502 (Rev. 05/10)

FROM-THE UPS STORE 3469

231755552

T-158 P.002

F-059

MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH BUREAU OF COMMERCIAL SERVICES

Date Received

This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

Name

Derek Stephen Antol

Address

1504 Montgomery

City

Muskegon

State

MI

ZIP Code

49441

EFFECTIVE DATE:

Document will be returned to the name and address you enter above.
If left blank, document will be returned to the registered office.

ARTICLES OF INCORPORATION **For use by Domestic Nonprofit Corporations** (Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1962, the undersigned corporation executes the following Articles:

ARTICLE I

The name of the corporation is:

Greater Michigan Compassion Club

ARTICLE II

The purpose or purposes for which the corporation is organized are:

Engaging, at no profit, exclusively in charitable, educational, scientific and lobbying efforts of coordinating and facilitating education and information concerning marijuana laws, and to provide educational instruction on proper cultivation.

ARTICLE III

1. The corporation is organized upon a Nonstock basis.
(Stock or Nonstock)

2. If organized on a stock basis, the total number of shares which the corporation has authority to issue is _____ If the shares are, or are to be, divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences and limitations of the shares of each class are as follows:

08/18/2010 2:47PM

AUG-18-2010 14:03

FROM-THE UPS STORE 3469

2317555552

T-159 P.003

F-059

ARTICLE III (cont.)

3. a. If organized on a nonstock basis, the description and value of its real property assets are: (if none, insert "none")
None
- b. The description and value of its personal property assets are: (if none, insert "none")
None
- c. The corporation is to be financed under the following general plan:
Through the collection of dues, contributions, assessments, donations, etc.
- d. The corporation is organized on a Directorship basis.
(Membership or Directorship)

ARTICLE IV

1. The name of the resident agent at the registered office is:
Derek Antol
2. The address of its registered office in Michigan is:
1848 East Sherman Plaza Suite R Muskegon Michigan 49441
(Street Address) (City) (ZIP Code)
3. The mailing address of the registered office in Michigan if different than above:

(Street Address or PO Box) (City) Michigan (ZIP Code)

ARTICLE V

The name(s) and address(es) of the incorporator(s) is (are) as follows:

Name	Residence or Business Address
<u>Derek Stephen Antol</u>	<u>1848 East Sherman Plaza Suite R, Muskegon MI 49441</u>
<u>Samantha Josephine Conklin</u>	<u>1504 Montgomery, Muskegon MI 49441</u>

08/18/2010 2:47PM

AUG-18-2010 14:03

FROM-THE UPS STORE 3469

2317555552

T-158 P.004

F-059

Use space below for additional Articles or for continuation of previous Articles. Please identify any Article being continued or added. Attach additional pages if needed.

I, (We), the incorporator(s) sign my (our) name(s) this 11th day of August, 2010

Dale S. Galt
Samantha Cornejo

08/18/2010 2:47PM

Michigan Department of Licensing and Regulatory Affairs
Filing Endorsement

This is to Certify that the ARTICLES OF ORGANIZATION (DOMESTIC L.L.C.)
for
DEUCES WILD SMOKE SHOP, LLC

ID NUMBER: D6557A

received by facsimile transmission on October 12, 2011 is hereby endorsed
Filed on October 13, 2011 by the Administrator.

***The document is effective on the date filed, unless a
subsequent effective date within 90 days after
received date is stated in the document.***



***In testimony whereof, I have hereunto set my
hand and affixed the Seal of the Department,
in the City of Lansing, this 13TH day
of October, 2011.***

Director

Bureau of Commercial Services

10/12/2011 3:42PM WJZHS (00:40-1W9)

BCS/OD-700 (Rev. 04/11)

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS BUREAU OF COMMERCIAL SERVICES		
Date Received	(FOR BUREAU USE ONLY)	
This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.		
Name Derek S. Antol		
Address 885 E. Apple Avenue		
City Muskegon	State MI	ZIP Code 49442
		EFFECTIVE DATE:

Document will be returned to the name and address you enter above.
If left blank, document will be returned to the registered office.

ARTICLES OF ORGANIZATION**For use by Domestic Limited Liability Companies**

(Please read information and instructions on reverse side)

Pursuant to the provisions of Act 23, Public Acts of 1993, the undersigned executes the following Articles:

ARTICLE I

The name of the limited liability company is: Deuces Wild Smoke Shop, LLC

ARTICLE II

The purpose or purposes for which the limited liability company is formed is to engage in any activity within the purposes for which a limited liability company may be formed under the Limited Liability Company Act of Michigan.

ARTICLE III

The duration of the limited liability company if other than perpetual is: _____

ARTICLE IV

- The name of the resident agent at the registered office is: Derek S. Antol
- The street address of the location of the registered office is:
885 E. Apple Avenue, Muskegon, Michigan 49442
(Street Address) (City) (Zip Code)
- The mailing address of the registered office if different than above:
_____, Michigan _____
(P.O. Box or Street Address) (City) (Zip Code)

ARTICLE V (Insert any desired additional provision authorized by the Act; attach additional pages if needed.)

See Attached

Signed this 12th day of October, 2011By Derek S. Antol (Signature(s) of Organizer(s))

Derek S. Antol

(Type or Print Name(s) of Organizer(s))

NO. 8852

231 767 1314

OCT 12 2011 3:37PM

(00:40-1W9) WdZt4S 1102/21/01

MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES

ARTICLE V

A member of the limited liability company shall not be personally liable to the limited liability company or its members for monetary damages for a breach of fiduciary duty as a member, except for liability.

- (1) For any breach of the member's duty of loyalty to the limited liability company or its members;
- (2) For acts or omissions not in good faith or that involve intentional misconduct or knowing violation of law;
- (3) For any transaction from which the member derived an improper personal benefit; and
- (4) For any acts or omissions occurring before the date this Article is filed by the Department of Labor and Economic Growth.

If, after the adoption of this Article by the members of the limited liability company, the Michigan Limited Liability Company Act of Michigan is hereafter amended to further eliminate or limit the liability of a member, then a member of the limited liability company (in addition to the circumstances in which a member is not personally liable as set forth in the proceeding paragraph) shall not be liable to the limited liability company or its members to the fullest extent permitted by the Michigan Limited Liability Company Act of Michigan, as so amended. Any repeal or modification of this Article by the members of the limited liability company shall not adversely affect any right or protection of a member of the limited liability company existing at the time of such repeal or modification.

The limited liability company shall indemnify its present and past members, officers, employees and agents and such other persons as it shall have power to indemnify, together with their heirs and personal representatives, to the fullest extent permitted under and subject to the limitations of the Michigan Limited Liability Company Act of Michigan against all judgments, payments in settlement, fines and other costs and expenses (including attorney fees), incurred by such person in connection with the defense of any action, suit or proceeding which is brought or threatened against or involving such person because he or she was or is a member, officer, employee, agent or otherwise acting on behalf of the limited liability company or any affiliate.

Preparer's name: Derek S. Antol
Business Telephone Number: 231-769-7461

Vers 4.1 (02/14)

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU
LIMITED LIABILITY COMPANY ANNUAL STATEMENT**

2013

Identification Number D6557A	Limited Liability Company Name DEUCES WILD SMOKE SHOP, LLC
Resident agent name and mailing address of the registered office DEREK S ANTOL	
MI	
The address of the registered office 885 E APPLE AVE MUSKEGON MI 49442	

Electronic Signature		
Filed By DEREK ANTOL	Title AUTHORIZED AGENT	Phone 231-557-1391
<input checked="checked" type="checkbox"/> I certify that this filing is submitted without fraudulent intent and that I am authorized by the business entity to make any changes reported herein.		

Payment Information		
Payment Amount \$ 25	Payment Date/Time 07/23/2014 11:26:35	Reference Nbr 71315 6802 D6557A 2013

Required by Section 207, Act 23, Public Acts of 1993

INFORMATION & INSTRUCTIONS

Annual Statement must be signed in accordance with MCL 450.4103.

For Domestic Limited Liability Companies - It may be signed by a member, if managed by members, by a manager if managed by managers, or by an authorized agent of the company.

For Foreign Limited Liability Companies - Must be signed by a person with authority to do so under the laws of the jurisdiction of its organization.

Vers 5.0 (06/15)

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU
LIMITED LIABILITY COMPANY ANNUAL STATEMENT**

2014

Identification Number D6557A	Limited Liability Company Name DEUCES WILD SMOKE SHOP, LLC
Resident agent name and mailing address of the registered office DEREK S ANTOL MI	
The address of the registered office 885 E APPLE AVE MUSKEGON MI 49442	

Electronic Signature		
Filed By DEREK S ANTOL	Title AUTHORIZED AGENT	Phone 2315571391
<input checked="checked" type="checkbox"/> I certify that this filing is submitted without fraudulent intent and that I am authorized by the business entity to make any changes reported herein.		

Payment Information		
Payment Amount \$ 25	Payment Date/Time 07/20/2015 16:03:22	Reference Nbr 71315 6802 D6557A 2014

Required by Section 207, Act 23, Public Acts of 1993

INFORMATION & INSTRUCTIONS

Annual Statement must be signed in accordance with MCL 450.4103.

For Domestic Limited Liability Companies - It may be signed by a member, if managed by members, by a manager if managed by managers, or by an authorized agent of the company.

For Foreign Limited Liability Companies - Must be signed by a person with authority to do so under the laws of the jurisdiction of its organization.

Vers 5.0 (06/15)

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU
LIMITED LIABILITY COMPANY ANNUAL STATEMENT**

2015

Identification Number D6557A	Limited Liability Company Name DEUCES WILD SMOKE SHOP, LLC
Resident agent name and mailing address of the registered office DEREK S ANTOL	
MI	
The address of the registered office 3140 HEIGHTS RAVENNA RD	
MUSKEGON MI 49444	

Electronic Signature		
Filed By DEREK S ANTOL	Title AUTHORIZED AGENT	Phone 2315571391
<input checked="checked" type="checkbox"/> I certify that this filing is submitted without fraudulent intent and that I am authorized by the business entity to make any changes reported herein.		

Payment Information		
Payment Amount \$ 25	Payment Date/Time 07/20/2015 16:06:26	Reference Nbr 71315 6802 D6557A 2015

Required by Section 207, Act 23, Public Acts of 1993

INFORMATION & INSTRUCTIONS

Annual Statement must be signed in accordance with MCL 450.4103.

For Domestic Limited Liability Companies - It may be signed by a member, if managed by members, by a manager if managed by managers, or by an authorized agent of the company.

For Foreign Limited Liability Companies - Must be signed by a person with authority to do so under the laws of the jurisdiction of its organization.

RESTRICTED AREA

DO NOT ENTER UNDER PENALTY OF LAW

THIS FACILITY IS OPERATED IN STRICT COMPLIANCE WITH THE MICHIGAN MEDICAL MARIJUANA ACT
OPERATOR IS A ☐ REGISTERED PRIMARY CAREGIVER ☐ REGISTERED QUALIFYING PATIENT ☒ BOTH

UNLAWFUL ENTRY INTO THIS FACILITY IS A CRIME

NOTICE TO LAW ENFORCEMENT OFFICERS

- **This facility contains** no more than 12 marijuana *plants* for each qualifying patient serviced by the operator, plus 12 additional plants if the operator is also a registered qualifying patient.
- **The operator of this facility is registered** with the State of Michigan, and certifies that this facility strictly complies with the Michigan Medical Marijuana Act (MMMA).
- **Ask** the operator for credentials issued under the Registry ID Program.
- **You are directed to contact the COMPLIANCE DIVISION** of the DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS for verification of the operator's credentials. MCL 333.26426(h)(3)
- **Please present a valid warrant before you enter this facility.** You may enter only with a valid court order.
- **The ACT prohibits the operator to grant permission any other person to access this facility** (MCL 333.26423(3)(C)); this prohibition against access includes government officials, without exception. No active opposition will be offered, and keys will be made available where appropriate, but such cooperation should not be interpreted as permission to access this facility.
- **Take notice that**, "Possession of, or application for, a registry identification card **shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the person or property** of the person possessing or applying for the registry identification card, or otherwise subject the person or property of the person to inspection by any local, county or state governmental agency". MCL 333.26426(G).
- **Take notice that**, a person who "has been issued and possesses a registry identification card **shall not be subject to arrest, prosecution, or penalty in any manner**" so long as that person is within the 12 plant/patient limitations established by the MMMA. Further, "Any incidental amount of seeds, stalks, and unusable roots shall also be allowed under state law and shall not be included in this amount." (MCL 333.26424(A) and (B)).
- **Take notice that**, "any marihuana, marihuana paraphernalia, or licit property that is possessed, owned, or used in connection with the medical use of marihuana, as allowed under this act, or acts incidental to such use, **shall not be seized or forfeited.**" (MCL 333.26424(H)).
- **Take notice that 42 USCA 1983** provides that a state or local government official who causes a person to be deprived of rights guaranteed by the U.S. Constitution (like the right against unlawful search and seizure), or federal law, is liable to that person for damages plus actual attorney fees. Further, **42 USCA 242** subjects officials to criminal penalties when applicable.
- **Please contact the following person before you enter into this facility:**

**ENTRY INTO THIS
SECURE FACILITY
IS STRICTLY PROHIBITED**

© 2011 Gregory C. Schmid, Attorney at Law. PH (989) 799-4641. Forms available free of charge @
WWW.QUALIFYINGPATIENT.COM

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NOTICE

RESTRICTED AREA

The person operating this facility is REGISTERED with the MICHIGAN DEPARTMENT OF HEALTH as a REGISTERED CAREGIVER. REGISTRY IDENTIFICATION CARD NUMBERS


[REDACTED]

And is thereby authorized to be in possession of the materials on these premises pursuant to MCL 333.264221, et seq. I am / am not a Michigan Qualified Patient, Registry # [REDACTED]

Pursuant to MCL 333.26426, §(h)(3), law enforcement personnel should contact the Michigan Department of Health, Compliance Manager, at 517-373-4992 or Program Coordinator, at 517-373-4992, to verify that the Registry Identification Card Number(s) above are valid. If you have further questions, please contact:- Derek Antal

[REDACTED]
Pursuant to MCL 333.26426, §(h), all licit property that is possessed, owned, or used in connection with this medical operation, storage, etc., or acts incidental to such use, shall not be seized or forfeited.

Any person who takes possession or otherwise damages the materials on these premises will be committing a felony. Any law enforcement personnel that secured a warrant, without disclosure of the foregoing information to the Court before proceeding with any search or seizure, will be subject to prosecution.

SAFER MICHIGAN COALITION 

ATTACHMENT F

SCHEDULE C
(Form 1040)Department of the Treasury
Internal Revenue Service (09)**Profit or Loss From Business**

(Sole Proprietorship)

- For information on Schedule C and its instructions, go to www.irs.gov/schedulec.
 ► Attach to Form 1040, 1040NR, or 1041; partnerships generally must file Form 1065.

2013Attachment
Sequence No. **09**

Name of proprietor

DEREK S ANTOL

Social security number (SSN)

A Principal business or profession, including product or service (see instructions)

RETAIL SALES

B Enter code from instructions

► 453990

C Business name. If no separate business name, leave blank.

DUCES WILD SMOKE SHOP

D Employer ID number (EIN), (see instr.)**E** Business address (including suite or room no.) ► 885 E APPLE AVE

City, town or post office, state, and ZIP code MUSKEGON MI 49442

F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) ►**G** Did you "materially participate" in the operation of this business during 2013? If "No," see instructions for limit on losses☒ Yes ☐ No**H** If you started or acquired this business during 2013, check here**I** Did you make any payments in 2013 that would require you to file Form(s) 1099? (see instructions)☐ Yes ☐ No**J** If "Yes," did you or will you file required Forms 1099?☐ Yes ☐ No**Part I Income**

1 Gross receipts or sales. See instructions for line 1 and check the box if this income was reported to you on Form W-2 and the "Statutory employee" box on that form was checked	<input type="checkbox"/>	1	153,849
2 Returns and allowances		2	0
3 Subtract line 2 from line 1		3	153,849
4 Cost of goods sold (from line 42)		4	74,121
5 Gross profit. Subtract line 4 from line 3		5	79,728
6 Other income, including federal and state gasoline or fuel tax credit or refund (see instructions)		6	
7 Gross income. Add lines 5 and 6		7	79,728

Part II Expenses

Enter expenses for business use of your home only on line 30.

8 Advertising	8	1,200	18 Office expense (see instructions)	18	314
9 Car and truck expenses (see instructions)	9		19 Pension and profit-sharing plans	19	
10 Commissions and fees	10		20 Rent or lease (see instructions):		
11 Contract labor (see instructions)	11		a Vehicles, machinery, and equipment	20a	
12 Depletion	12		b Other business property	20b	19,000
13 Depreciation and section 179 expense deduction (not included in Part III) (see instructions)	13	2,707	21 Repairs and maintenance	21	3,000
14 Employee benefit programs (other than on line 19)	14		22 Supplies (not included in Part III)	22	
15 Insurance (other than health)	15		23 Taxes and licenses	23	
16 Interest:			24 Travel, meals, and entertainment:		
a Mortgage (paid to banks, etc.)	16a		a Travel	24a	
b Other	16b		b Deductible meals and entertainment (see instructions)	24b	
17 Legal and professional services	17	500	25 Utilities	25	3,110
28 Total expenses before expenses for business use of home. Add lines 8 through 27a	28		26 Wages (less employment credits)	26	54,923
29 Tentative profit or (loss). Subtract line 28 from line 7	29		27 a Other expenses (from line 48)	27a	4,561
30 Expenses for business use of your home. Do not report these expenses elsewhere. Attach Form 8829 unless using the simplified method (see instructions).			b Reserved for future use	27b	
Simplified method filers only: enter the total square footage of: (a) your home:			31 Net profit or (loss). Subtract line 30 from line 29.	31	(9,587)
and (b) the part of your home used for business: Use the Simplified					
Method Worksheet in the instructions to figure the amount to enter on line 30					
31 Net profit or (loss). Subtract line 30 from line 29.					
• If a profit, enter on both Form 1040, line 12 (or Form 1040NR, line 13) and on Schedule SE, line 2. (If you checked the box on line 1, see instructions). Estates and trusts, enter on Form 1041, line 3.					
• If a loss, you must go to line 32.					
32 If you have a loss, check the box that describes your investment in this activity (see instructions).					
• If you checked 32a, enter the loss on both Form 1040, line 12, (or Form 1040NR, line 13) and on Schedule SE, line 2. (If you checked the box on line 1, see the line 31 instructions). Estates and trusts, enter on Form 1041, line 3.					
• If you checked 32b, you must attach Form 8198. Your loss may be limited.					

32a ☒ All investment is at risk.
32b ☐ Some investment is not at risk.

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Schedule C (Form 1040) 2013

EEA

Schedule C (Form 1040) 2013 RETAIL SALES 453990

Page **2**

Name(s)

DEREK S ANTOL

SSN

Part III Cost of Goods Sold (see instructions)

33	Method(s) used to value closing inventory: a <input checked="" type="checkbox"/> Cost b <input type="checkbox"/> Lower of cost or market c <input type="checkbox"/> Other (attach explanation)	
34	Was there any change in determining quantities, costs, or valuations between opening and closing inventory? If "Yes," attach explanation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
35	Inventory at beginning of year. If different from last year's closing inventory, attach explanation	35 15,000
36	Purchases less cost of items withdrawn for personal use	36 83,121
37	Cost of labor. Do not include any amounts paid to yourself	37
38	Materials and supplies	38
39	Other costs	39
40	Add lines 35 through 39	40 98,121
41	Inventory at end of year	41 24,000
42	Cost of goods sold. Subtract line 41 from line 40. Enter the result here and on line 4	42 74,121

Part IV Information on Your Vehicle. Complete this part **only** if you are claiming car or truck expenses on line 9 and are not required to file Form 4562 for this business. See the instructions for line 13 to find out if you must file Form 4562.

43	When did you place your vehicle in service for business purposes? (month, day, year)	►
44	Of the total number of miles you drove your vehicle during 2013, enter the number of miles you used your vehicle for:	
a	Business	b Commuting (see instructions)
c	Other	
45	Was your vehicle available for personal use during off-duty hours?	<input type="checkbox"/> Yes <input type="checkbox"/> No
46	Do you (or your spouse) have another vehicle available for personal use?	<input type="checkbox"/> Yes <input type="checkbox"/> No
47 a	Do you have evidence to support your deduction?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b	If "Yes," is the evidence written?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Part V Other Expenses. List below business expenses not included on lines 8-26 or line 30.

SECURITY NOVOTNY	360
PAYROLL TAXES	4,201
48 Total other expenses. Enter here and on line 27a	48 4,561

EEA

Schedule C (Form 1040) 2013

ATTACHMENT G

**SCHEDULE C
(Form 1040)**Department of the Treasury
Internal Revenue Service (99)**Profit or Loss From Business**

(Sole Proprietorship)

- For information on Schedule C and its instructions, go to www.irs.gov/schedulec.
 ► Attach to Form 1040, 1040NR, or 1041; partnerships generally must file Form 1065.

OMB No. 1545-0074

2013Attachment
Sequence No. **09**Name of proprietor
DEREK S ANTOL

Social security number (SSN)

A Principal business or profession, including product or service (see instructions)
PERSONAL CARE

B Enter code from instructions
 ► **812190**

C Business name. If no separate business name, leave blank.

D Employer ID number (EIN), (see instr.)

E Business address (including suite or room no.) ► **423 FARR RD**
 City, town or post office, state, and ZIP code **MUSKEGON MI 49444**

F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) ►

G Did you "materially participate" in the operation of this business during 2013? If "No," see instructions for limit on losses ☒ Yes ☐ No

H If you started or acquired this business during 2013, check here ☐ Yes ☒ No

I Did you make any payments in 2013 that would require you to file Form(s) 1099? (see instructions) ☐ Yes ☒ No

J If "Yes," did you or will you file required Forms 1099? ☐ Yes ☒ No

Part I Income

1 Gross receipts or sales. See instructions for line 1 and check the box if this income was reported to you on Form W-2 and the "Statutory employee" box on that form was checked <input type="checkbox"/>	1	37,580
2 Returns and allowances	2	0
3 Subtract line 2 from line 1	3	37,580
4 Cost of goods sold (from line 42)	4	3,978
5 Gross profit. Subtract line 4 from line 3	5	33,602
6 Other income, including federal and state gasoline or fuel tax credit or refund (see instructions)	6	
7 Gross income. Add lines 5 and 6	7	33,602

Part II Expenses

Enter expenses for business use of your home only on line 30.

8 Advertising	8		18 Office expense (see instructions)	18	
9 Car and truck expenses (see instructions)	9		19 Pension and profit-sharing plans	19	
10 Commissions and fees	10		20 Rent or lease (see instructions):		
11 Contract labor (see instructions)	11		a Vehicles, machinery, and equipment	20a	
12 Depreciation	12		b Other business property	20b	
13 Depreciation and section 179 expense deduction (not included in Part III) (see instructions)	13		21 Repairs and maintenance	21	
14 Employee benefit programs (other than on line 19)	14		22 Supplies (not included in Part III)	22	
15 Insurance (other than health)	15		23 Taxes and licenses	23	
16 Interest:			24 Travel, meals, and entertainment:		
a Mortgage (paid to banks, etc.)	16a		a Travel	24a	
b Other	16b		b Deductible meals and entertainment (see instructions)	24b	
17 Legal and professional services	17		25 Utilities	25	1,218
			26 Wages (less employment credits)	26	
			27 a Other expenses (from line 48)	27a	
			b Reserved for future use	27b	

28 Total expenses before expenses for business use of home. Add lines 8 through 27a **28** **1,218**

29 Tentative profit or (loss). Subtract line 28 from line 7 **29** **32,384**

30 Expenses for business use of your home. Do not report these expenses elsewhere. Attach Form 8829 unless using the simplified method (see instructions).

Simplified method filers only: enter the total square footage of: (a) your home: **4,042**
 and (b) the part of your home used for business: **300**. Use the Simplified Method Worksheet in the instructions to figure the amount to enter on line 30

31 Net profit or (loss). Subtract line 30 from line 29. **31** **30,884**

- If a profit, enter on both Form 1040, line 12 (or Form 1040NR, line 13) and on Schedule SE, line 2. (If you checked the box on line 1, see instructions). Estates and trusts, enter on Form 1041, line 3.
- If a loss, you must go to line 32.

32 If you have a loss, check the box that describes your investment in this activity (see instructions).

- If you checked 32a, enter the loss on both Form 1040, line 12, (or Form 1040NR, line 13) and on Schedule SE, line 2. (If you checked the box on line 1, see the line 31 instructions). Estates and trusts, enter on Form 1041, line 3.
- If you checked 32b, you must attach Form 6198. Your loss may be limited.

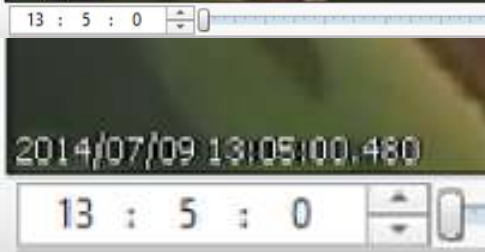
32a ☐ All investment is at risk.
32b ☐ Some investment is not at risk.

For Paperwork Reduction Act Notice, see the separate instructions.

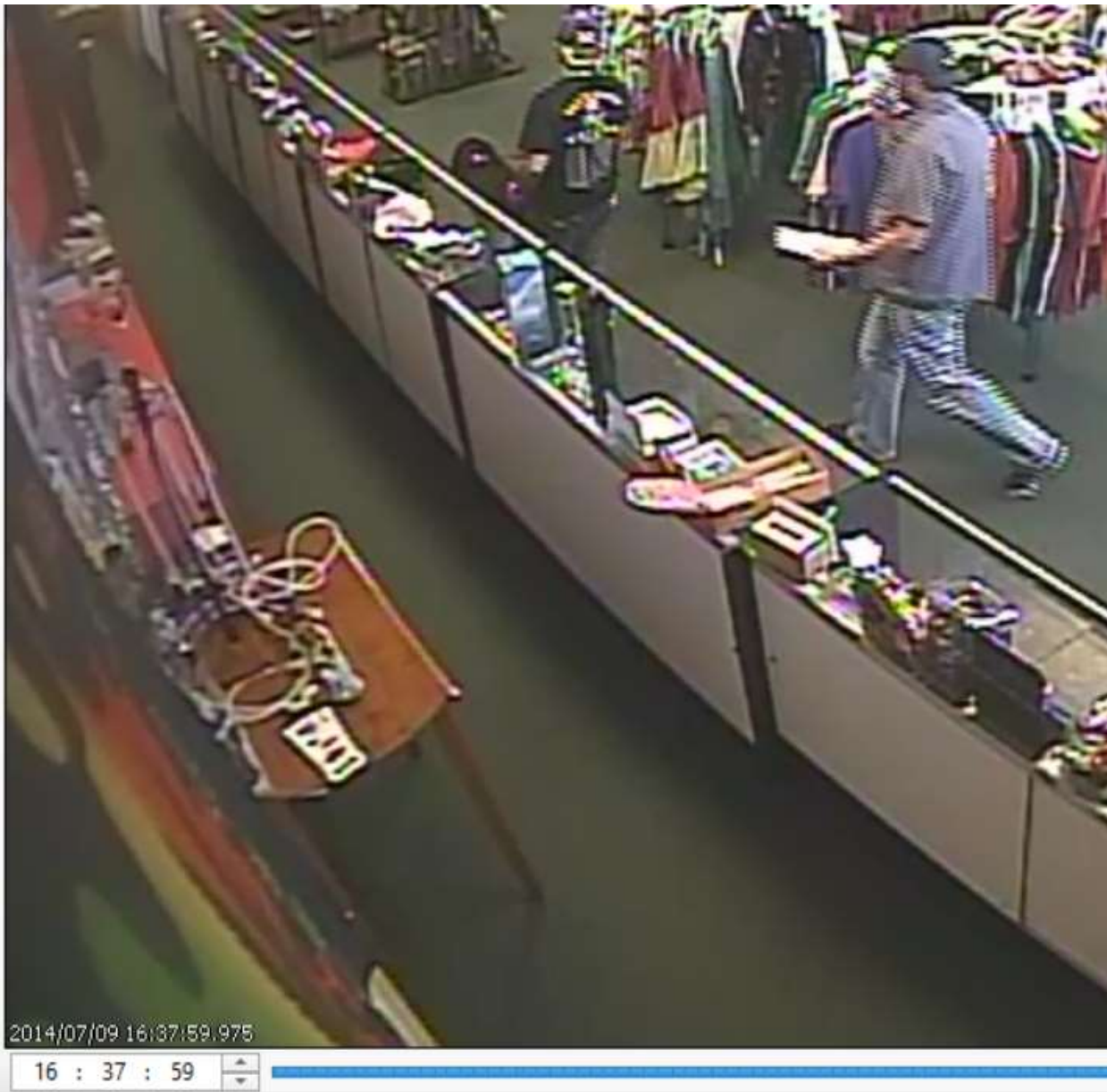
Schedule C (Form 1040) 2013

EEA

ATTACHMENT H







DEREK ANTOL
May 10, 2018

Page 1		Page 3	
1	UNITED STATES DISTRICT COURT	1	ADAM P. SADOWSKI
2	WESTERN DISTRICT OF MICHIGAN	2	PATRICK MYERS
3		3	Michigan Department of Attorney General
4	DEREK ANTOL, Individually and	4	525 West Ottawa Street
5	as next friend of DSA, a minor	5	Lansing, Michigan 48909
6	DSAI, a minor and TRYSTON ANTOL,	6	(517) 373-6434
7	Plaintiffs,	7	SadowskiA@michigan.gov
8	vs. Case No. 1:17-cv-613	8	MyersP@michigan.gov
9	Hon. Janet T. Neff	9	Appearing on behalf of Defendant Casey Trucks.
10	ADAM DENT, KATE STRAUSS,	10	
11	CASEY BRINGEDAHL, CASEY	11	
12	TRUCKS, PETE KUTCHES, and	12	
13	WESTERN MICHIGAN ENFORCEMENT	13	
14	TEAM, a public body organized	14	
15	under the laws of the State of	15	
16	Michigan,	16	
17	Defendants.	17	
18		18	
19		19	
20	The Deposition of DEREK ANTOL,	20	
21	Taken at 2851 Charlevoix Drive, SE, Suite 327,	21	
22	Grand Rapids, Michigan,	22	
23	Commencing at 10:43 a.m.,	23	
24	Thursday, May 10, 2018,	24	
25	Before Carol L. Gavigan, CSR-2494, RPR.	25	
Page 2		Page 4	
1	APPEARANCES:	1	TABLE OF CONTENTS
2		2	
3	J. NICHOLAS BOSTIC	3	WITNESS PAGE
4	Bostic & Associates	4	DEREK ANTOL
5	909 North Washington Avenue	5	
6	Lansing, Michigan 48906	6	EXAMINATION
7	(517) 706-0132	7	BY MR. BENSON: 5
8	barristerbostic@att.net	8	EXAMINATION
9	Appearing on behalf of Plaintiffs.	9	BY MR. SADOWSKI: 77
10		10	EXAMINATION
11	CURT A. BENSON	11	BY MR. BOSTIC: 79
12	BRADLEY C. YANALUNAS	12	
13	Cummings McClorey Davis & Aho	13	
14	2851 Charlevoix Drive, SE	14	EXHIBITS
15	Suite 327	15	
16	Grand Rapids, Michigan 49546	16	EXHIBIT PAGE
17	(616) 975-7470	17	(Exhibits attached to transcript.)
18	cbenson@cmda-law.com	18	
19	byanalunas@cmda-law.com	19	DEPOSITION EXHIBIT 1 73
20	Appearing on behalf of Defendants Dent, Strauss,	20	DEPOSITION EXHIBIT 2 76
21	Bringedahl, and co-counsel for Defendant Kutches.	21	
22		22	
23		23	
24		24	
25		25	

DEREK ANTOL
May 10, 2018

<p style="text-align: right;">Page 5</p> <p>1 Grand Rapids, Michigan 2 Thursday, May 10, 2018 3 10:43 a.m. 4 5 DEREK ANTOL, 6 was thereupon called as a witness herein, and after 7 having first been duly sworn to testify to the truth, 8 the whole truth and nothing but the truth, was 9 examined and testified as follows: 10 EXAMINATION 11 BY MR. BENSON: 12 Q. Mr. Antol, my name is Curt Benson, and I represent 13 some of the officers that you filed this lawsuit 14 against. 15 Have you ever been deposed before? 16 A. No. 17 Q. Okay. Well, I'm sure you talked to your lawyer about 18 it. Let me give you just some basic -- or some basic 19 instructions. 20 A. Sure. 21 Q. If you, for some reason, don't understand a question 22 I'm asking, would you please ask me to either repeat 23 it or restate it so you understand exactly what it is 24 you're answering? 25 A. Certainly.</p>	<p style="text-align: right;">Page 7</p> <p>1 what I do is I tend to look at the Complaint, look at 2 the Answers to Interrogatories, and kind of use it as 3 an outline in moving forward, okay? 4 A. Okay. 5 Q. So I have a copy of your Interrogatories here, and so 6 let's -- I just want to get some background. First of 7 all, do you recognize that document? I've not had it 8 marked, because I figure it's part of the pleadings, 9 but are those your Answers to Interrogatories? 10 A. They are, yes. 11 Q. Okay. And did you sign them under oath? 12 A. Yes. 13 Q. Okay. And by oath I mean they're true and accurate, 14 to the best of your knowledge, correct? 15 A. Correct. 16 Q. Okay. So I have a couple of questions. 17 First of all, I had asked in this whether 18 you have -- let's see here. Looking at number 6, have 19 you ever been an officer, director, or incorporator or 20 claim an interest in a corporation or limited 21 liability company? You listed Deuces Wild Smoke Shop, 22 LLC, correct? 23 A. Correct. 24 Q. And this is not a got you, it's a point of confusion. 25 Weren't you an officer of something called the</p>
<p style="text-align: right;">Page 6</p> <p>1 Q. Okay. If you want to take a break for any reason, you 2 need to use the restroom, you want to talk to your 3 legal counsel, just let us know, and we'll take a 4 break, all right? 5 A. Sure. 6 Q. And, obviously, you understand you're under oath. 7 And the other thing is the court reporter 8 has to record all of our conversation, and it's very 9 difficult if we talk over one another. 10 A. Sure. 11 Q. So listen until I'm done with the question, and then 12 give the answer. And I will tell you right now I'm 13 the worst offender of that, because I'm constantly 14 interrupting the witness, it's just a bad habit. 15 A. We'll manage. 16 Q. Yeah. I think that's probably the only thing I have 17 by way of instructions. 18 Do you have any questions of us before we 19 get underway? 20 A. No, I do not. 21 Q. All right. Now, what I like to do, you know, one of 22 the most annoying things of litigation is answering 23 Interrogatories, which you have done? 24 A. Sure. 25 Q. And but it does save a lot of time at depositions. So</p>	<p style="text-align: right;">Page 8</p> <p>1 Michigan Compassion Club? 2 A. It was the Greater Michigan Compassion Club. 3 Q. Okay. Why is that not listed? You were an officer, 4 correct? 5 A. Yes -- 6 Q. Or an incorporator? 7 A. We incorporated, and then we never went through the 8 process for the 501c3, it wasn't active for very long 9 at all, and it's just pretty much a dead entity. 10 Q. It is today, but it was once a corporation with the 11 State of Michigan, correct? 12 A. Correct. 13 Q. Okay. 14 A. For a matter of a few months, I believe. 15 Q. Fair enough. 16 And what was your position with that 17 corporation -- and was it a corporation, or an LLC, do 18 you remember? 19 A. It was -- the intention was to be a nonprofit. 20 Q. Okay. 21 A. And that's what I mean, we never -- it never went 22 anywhere. We never went through the entire process of 23 gaining the 501 status. We just filed the -- I 24 believe it was Articles of Incorporation that was 25 approved by the State. We got a building for it. And</p>

DEREK ANTOL
May 10, 2018

<p style="text-align: right;">Page 9</p> <p>1 then shortly after we tried to establish, you know, 2 what it was -- what we were setting out to do, we were 3 forced to move to another location, and then that's 4 when we just dropped what we were doing with that and 5 -- and went another route with the retail company, 6 with the Deuces Wild.</p> <p>7 Q. Okay. And so would it be accurate to amend number 6 8 to say -- what was the name of it, Greater -- 9 A. Greater Michigan Compassion Club.</p> <p>10 Q. Okay. So would we amend answer 6 and list the Greater 11 Michigan -- and I apologize, Michigan Compassion Club? 12 A. I wouldn't object to that, no.</p> <p>13 Q. Okay. Which kind of leads to my next question, I had 14 asked about lawsuits involving the Greater Michigan 15 Compassion Club, and to be honest with you, I did not 16 understand your answer, so I'm going to ask you now to 17 explain it a little bit.</p> <p>18 And I'm looking at question number 8, has 19 the Greater Michigan Compassion Club, or any other 20 entity in which you had an interest, ever been a party 21 to a civil action, whether State or Federal, and I 22 asked for some details.</p> <p>23 Your answer is that Deuces Wild was also 24 named as a Defendant in the 2014 zoning tickets. 25 Could you elaborate -- I mean, I know</p>	<p style="text-align: right;">Page 11</p> <p>1 MR. BOSTIC: Top of page 4. 2 MR. BENSON: I'm sorry -- 3 MR. BOSTIC: Nuisance suit, yeah. 4 MR. BENSON: Oh, in other words -- 5 MR. BOSTIC: That's this one, that's what 6 he's talking about.</p> <p>7 BY MR. BENSON: 8 Q. Okay. So the Township accused you of what, 9 maintaining a nuisance, for lack of a better term; is 10 that the right term? 11 A. Public nuisance. 12 Q. Okay. 13 A. They filed on the grounds of a public nuisance. 14 Q. And the case was dismissed because you decided to 15 close the Michigan Greater Compassion Club? 16 A. Yeah. We just ceased all actions, and we sought out 17 another location, which we found in a matter of days, 18 and moved approximately two-and-a-half miles west of 19 the -- what was the current location. And then we 20 opened up Deuces Wild Smoke Shop and went another 21 direction. 22 Q. Got you. 23 A. Completely different business venture. 24 Q. So Greater Michigan Compassion Club is no more? 25 A. Correct.</p>
<p style="text-align: right;">Page 10</p> <p>1 Greater -- I know that GMCC was sued for something. 2 What was that lawsuit all about? 3 A. That was on the grounds of a public nuisance. We were 4 attempting to establish a nonprofit medical marijuana 5 dispensary. 6 Q. Okay. 7 A. We were very transparent with the Township as to what 8 our intentions were. In fact, we met with -- with 9 their counsel and the Board numerous times, you know, 10 with a wide open format on what we were trying to do, 11 and trying to gain not only interest, but approval of 12 the Township, which ultimately never happened. 13 Q. Okay. But they -- did they file an action against the 14 Greater Michigan Compassion Club in Muskegon County 15 Circuit Court? 16 A. I don't recall if it was actually against the entity, 17 or if it was just against myself and others who were 18 involved. 19 Q. Okay. Is it listed in these -- anywhere in these 20 Answers to Interrogatories, that particular lawsuit? 21 A. I don't believe so. It doesn't appear to. 22 MR. BOSTIC: You want me to help? 23 MR. BENSON: Oh, yeah, sure. 24 MR. BOSTIC: 7G. 25 MR. BENSON: Thank you.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. It is no more? But what does exist is Deuces Wild? 2 A. Also correct. 3 Q. And what is Deuces Wild? 4 A. It is a general retail shop. 5 Q. And what is the nature of the articles you sell? 6 A. General retail, smoking accessories, flags, ashtrays, 7 candles, air freshener, health products, soaps, 8 posters, vapor supplies, E-cigs, the vapor juice, all 9 of the accessories for the coils, and whatnot. 10 Q. Do you sell tobacco products? 11 A. We do not. 12 Q. Have you ever sold tobacco products? 13 A. Unknowingly, during the time of this investigation, we 14 had, I think, three different products that were 15 actually samples that were sent to us by one of my 16 distributors. They were cigar wraps, and we didn't 17 realize that they were actually made of tobacco. The 18 ones we carry now are not. They're all hemp wraps. 19 And the ones we had at the time apparently were 20 tobacco. 21 Ultimately, I -- you know, the Tobacco Tax 22 Enforcement Team that was in there, I instructed that 23 guy to please, you know, take anything that wasn't 24 supposed to be in there out, because we were 25 completely unaware, there was very, very fine print on</p>

DEREK ANTOL
May 10, 2018

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1 the rear side of the label that said that it contained
2 tobacco.
3 Q. So I'll ask you a little bit about that. So I think
4 in the Answers to Interrogatories was it 2011 Deuces
5 opened -- what year did it open? I may be wrong.
6 A. We filed the Articles in, I believe, October or
7 November of 2011. And we didn't actually gain the
8 business license, the local business license, and
9 actually open the business until February of 2012.
10 Q. Okay. And you'd mentioned a distributor had sent some
11 things to you that you did not realize contained
12 tobacco. First of all, who is the distributor?
13 A. I don't recall. You know, the nature of our business,
14 unfortunately we go through several distributors, some
15 of them don't last very long. Some of them just, you
16 know, stop carrying products that we were, you know,
17 purchasing and then reselling. So we -- we go through
18 probably at least a half a dozen different suppliers a
19 year.
20 Q. Okay.
21 A. I maintain probably close to a dozen suppliers, on
22 average, I'd say throughout, you know, the course of a
23 -- of a year. But, like I say, probably half a dozen
24 of those drop off, and another half a dozen get added
25 every year. It's just the nature of the business.

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1 Q. So I'm going to ask you to elaborate a little bit. So
2 somebody unknown to you -- not unknown to you, but who
3 you cannot now currently remember, sent you some
4 tobacco products. Could you list --
5 A. I could narrow it down to a couple possible
6 distributors. It may have been Glow Industries,
7 G-L-O-O -- G-L-O-W. It may have been Sky Wholesale.
8 And it may have been Four Aces Wholesale. Those were
9 the three bigger ones that I was going through at the
10 time. And not all of my distributors sent samples
11 like those ones did. So I -- I could probably narrow
12 it down to those three, but I can't say for certain
13 which of those three -- especially because there was
14 -- there was I think three different products. There
15 was two different -- two different brands of the blunt
16 wraps that were found to be made with tobacco, and
17 then there was another product was -- what's referred
18 to as shisha, and that's the herbal molasses that goes
19 in a hookah.
20 Q. Okay.
21 A. And we had multiple varieties from different
22 manufacturers of shisha, and then these -- this one
23 particular sample, I think it was called Fantasia, if
24 I'm not mistaken.
25 Q. Okay.

Page 15

1 A. None of the other ones were tobacco, but that one was.
2 Q. For the benefit of our court reporter, could you
3 venture a guess how to spell shisha?
4 A. S-H-E-E-S-H-A?
5 Q. Okay.
6 A. I believe.
7 Q. So there are two separate products we're talking
8 about. One is a blunt wrap. The other one is shisha?
9 Any other tobacco products that you --
10 A. I believe that was all that was found to be tobacco
11 product.
12 Q. So what is a blunt wrap? What do you do with a blunt
13 wrap?
14 A. People use them to role either tobacco or marijuana
15 into a smokable item.
16 Q. And that was basically like a tobacco leaf -- I mean,
17 it turns out to be, you didn't know this at the time?
18 A. Correct. The other ones that we carry are all hemp
19 based. And then these ones were tobacco.
20 Q. Got you. And those were actually in your shop and for
21 sale from when to when?
22 A. I don't believe we had them on the shelf for sale.
23 Q. Okay.
24 A. They were samples that were sent. The shisha was on
25 the shelf for sale.

Page 16

1 Q. Okay.
2 A. That was a tower, I think it was a 12-pack of just
3 little, you know, cylinders that contain, you know,
4 maybe two or three ounces of the product.
5 Q. Okay.
6 A. Those were out for sale. The other ones we had just
7 gotten maybe a day or two before the incident went
8 down.
9 Q. Okay.
10 A. And those were not out for sale. Those were just on
11 the back wall on some shelving with some other
12 products, some other samples that had been sent.
13 Q. Now, you made a point of indicating that you had no
14 idea they were tobacco products. If you were selling
15 tobacco products would you have to be separately
16 licensed for that, do you understand?
17 A. Yes, yes.
18 Q. Okay. And you didn't have a license issued by the
19 State of Michigan to --
20 A. No, we do not.
21 Q. -- sell tobacco?
22 A. We do not. In fact, we have signage in our store that
23 specifically states that our products are not sold for
24 use with or intended for use with tobacco. As I say,
25 it was completely beyond my knowledge that it

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<p style="text-align: right;">Page 17</p> <p>1 contained tobacco.</p> <p>2 Q. Okay.</p> <p>3 A. Again, it was very fine small print on the rear side</p> <p>4 of the packaging. And I wasn't familiar with the</p> <p>5 product, again, either, they were samples that were</p> <p>6 sent out --</p> <p>7 Q. This is -- why would you have to have a sign saying</p> <p>8 this is not intended to be used with tobacco? I mean,</p> <p>9 for example, the blunt wrap, which you didn't know was</p> <p>10 tobacco, is something you described that you might use</p> <p>11 for tobacco?</p> <p>12 A. It can be.</p> <p>13 Q. Okay.</p> <p>14 A. That was not our intention.</p> <p>15 Q. Was it your intention then to be used with marijuana?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. All right. In question number 9, I asked you</p> <p>18 to describe your background -- your criminal</p> <p>19 convictions, your offenses, and the like. So I'm</p> <p>20 going to ask you a little bit about this.</p> <p>21 Obviously, you don't have perfect</p> <p>22 recollection of when this stuff happened, I appreciate</p> <p>23 that. But sometime either 2001, 2002, it looks like</p> <p>24 you were charged with manufacturing marijuana. Can</p> <p>25 you tell me, number one, were you convicted of that?</p>	<p style="text-align: right;">Page 19</p> <p>1 Q. For -- okay.</p> <p>2 A. And I was resentenced on the initial charge --</p> <p>3 Q. Got you.</p> <p>4 A. -- that I was put on probation for.</p> <p>5 Q. So going back to that initial charge, did you plead</p> <p>6 guilty because you were guilty?</p> <p>7 A. Yes.</p> <p>8 Q. And what was the circumstances of getting -- without</p> <p>9 -- I don't need a whole lot of detail, but what were</p> <p>10 the circumstances of getting caught with cocaine? How</p> <p>11 did that come about?</p> <p>12 A. I was pulled over -- I was actually going out fishing,</p> <p>13 and as I was sitting in the parking lot on my phone,</p> <p>14 an officer approached the vehicle and -- I remember</p> <p>15 him wanting to search the vehicle, and at first I</p> <p>16 declined consent to search. And then when he ran my</p> <p>17 name, he found that I was on probation, and so they</p> <p>18 searched the vehicle. And in the vehicle, there was</p> <p>19 some CD cases in the center console, and they</p> <p>20 contained little corner packs that contained cocaine</p> <p>21 residue. And that's -- I mean, that's basically it.</p> <p>22 Q. And so you were charged, and when it says 18 months,</p> <p>23 that was because your probation was revoked with</p> <p>24 respect to subpart A, correct?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 18</p> <p>1 And how? Were you convicted by plea? Or were you not</p> <p>2 convicted? And I'm looking at subpart A.</p> <p>3 A. I was convicted, I believe I took a plea on that.</p> <p>4 Again, I -- 17, 18 years ago, I can't recall --</p> <p>5 Q. Of course.</p> <p>6 A. -- exactly what the agreement would have been. But I</p> <p>7 do believe I took a plea for I think it was like a</p> <p>8 two-year probationary period.</p> <p>9 Q. Okay. Do you remember if you pled to a felony? And</p> <p>10 we're looking at subpart A of your answer to number 9?</p> <p>11 A. I can't say for certain. I want to say initially it</p> <p>12 was dropped to a misdemeanor, and, again, I can't say</p> <p>13 for certain, but I believe I was -- I believe the</p> <p>14 agreement was that they were going to drop it to a</p> <p>15 misdemeanor, and then when the cocaine charge came</p> <p>16 about, I was resentenced on the initial marijuana</p> <p>17 violation.</p> <p>18 Q. Okay. So correct me if I'm wrong, it sounds like you</p> <p>19 pled guilty to either a felony or misdemeanor, you</p> <p>20 don't remember?</p> <p>21 A. Right.</p> <p>22 Q. And you were placed on probation. And when you were</p> <p>23 arrested for possession of cocaine, they revoked your</p> <p>24 probation?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Which, by the way, one might logically conclude then</p> <p>2 that you pled to a felony in that subpart A, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And did you also plead guilty to possession of</p> <p>5 cocaine?</p> <p>6 A. I did, yes.</p> <p>7 Q. And you did because you were in fact guilty, correct?</p> <p>8 A. Correct.</p> <p>9 Q. All right, C, in February of 2014, District Court,</p> <p>10 operating while intoxicated, just pulled over and</p> <p>11 arrested? Nothing --</p> <p>12 A. Yeah, it was just a routine traffic stop, I guess.</p> <p>13 There was no accidents, or anything of that sort.</p> <p>14 Q. Right. And then you pled guilty to that, I assume?</p> <p>15 A. Correct.</p> <p>16 Q. And you pled guilty because you were in fact guilty?</p> <p>17 A. Also correct.</p> <p>18 Q. And so now we're looking at subpart D. Is this the</p> <p>19 crime which gives rise to this incident?</p> <p>20 A. It is.</p> <p>21 Q. Okay. So July 9th, Muskegon County Circuit Court, 20</p> <p>22 -- excuse me, July 9th, 2014, Muskegon County Circuit</p> <p>23 Court, manufacture -- what's the PWID, marijuana, with</p> <p>24 possession with the intent to distribute, I assume?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 21</p> <p>1 Q. Okay. Pled to manufacturing marijuana, 12 months in 2 jail. And that is as a result of the warrants 3 executed in the case that we're here today about, 4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. And you pled guilty to that?</p> <p>7 A. I did.</p> <p>8 Q. I'm sorry?</p> <p>9 A. I did.</p> <p>10 Q. And you pled guilty because you were in fact guilty?</p> <p>11 A. Yes.</p> <p>12 Q. And subpart E, 2014, delivery of marijuana, pled 13 guilty. Is that the same -- does that arise out of 14 this same incident?</p> <p>15 A. It does.</p> <p>16 Q. Okay. And you pled guilty to delivery of marijuana, 17 and you pled guilty because you were in fact guilty, 18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. All right, so let's talk about what happened on 21 July -- now, I have a copy -- I'm not -- let me talk 22 about this Complaint just for a second. You hire an 23 attorney to draft your Complaint, so I'm not going to 24 ask you to go through this Complaint and explain 25 anything to it, because that's why you have a lawyer.</p>	<p style="text-align: right;">Page 23</p> <p>1 Q. And these two children were the product of your first 2 marriage -- your only marriage?</p> <p>3 A. No.</p> <p>4 Q. I'm sorry?</p> <p>5 A. It was my only marriage. No, my children's mother and 6 I spent nine-and-a-half years together, we were never 7 married. All three of my sons were with her, and then 8 after we split, I married, and we had the marriage 9 annulled after I think it was about five months -- or, 10 actually, no, I take that back, we didn't have the 11 annulment. We ended up having to go through a divorce 12 because it was longer than six months.</p> <p>13 Q. Okay. So -- and because your children are a part of 14 this, I have to ask you just a couple of questions 15 about that.</p> <p>16 So you -- I didn't quite understand that 17 answer, and it's not really terribly important, but 18 you were married to whom at one -- you were married to 19 whom at what point?</p> <p>20 A. I was married to Laura Adkins, is her name now.</p> <p>21 Q. Okay.</p> <p>22 A. It was Laura Humphries was her maiden name.</p> <p>23 Q. Okay. And when did you marry Ms. Adkins or Humphries?</p> <p>24 A. Oh, gosh, 2008? I believe.</p> <p>25 Q. And how long were you married?</p>
<p style="text-align: right;">Page 22</p> <p>1 A. True.</p> <p>2 Q. I tend to use it as an outline, okay, so if you'd like 3 a copy of your own Complaint?</p> <p>4 A. Sure.</p> <p>5 Q. But, again, I understand it was drafted by your 6 lawyer, and he's the one asserting the various legal 7 theories, and the like, but it is helpful I think to 8 have it handy. Of course, I didn't keep one for 9 myself but --</p> <p>10 MR. SADOWSKI: You can look over mine.</p> <p>11 BY MR. BENSON:</p> <p>12 Q. All right, July 9th, 2014, where were you at the -- 13 because I understand when the Tobacco Tax Team arrived 14 you were not at Deuces Wild, right?</p> <p>15 A. I was not at Deuces Wild.</p> <p>16 Q. Do you remember roughly where you were?</p> <p>17 A. I was over on the other side of town. I had my two 18 older sons with me, we were going to do some grocery 19 shopping.</p> <p>20 Q. And I am referring, of course, to paragraph 13 of the 21 Complaint. Oh, never mind.</p> <p>22 Are you married, by the way?</p> <p>23 A. Divorced.</p> <p>24 Q. Okay.</p> <p>25 A. Engaged.</p>	<p style="text-align: right;">Page 24</p> <p>1 A. About seven months.</p> <p>2 Q. And that ended in divorce, correct?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. Now, is that the -- you were referring to 5 perhaps an annulment, and the like, but the bottom 6 line is it ended in divorce?</p> <p>7 A. Yeah, yeah, we were going to try to get it annulled, 8 and then I guess there's a certain period that if you 9 go beyond that you have to actually go through a 10 divorce.</p> <p>11 Q. And you had no children with Ms. Adkins?</p> <p>12 A. No.</p> <p>13 Q. Okay. And is that your only marriage?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And how many children do you have?</p> <p>16 A. Three.</p> <p>17 Q. And what is your oldest child's name?</p> <p>18 A. Tryston.</p> <p>19 Q. How do you spell Tryston? I know it's in these 20 pleadings.</p> <p>21 A. T-R-Y-S-T-O-N.</p> <p>22 Q. And how old is Tryston today?</p> <p>23 A. He is 21.</p> <p>24 Q. And who is next in line?</p> <p>25 A. Devon, D-E-V-O-N.</p>

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<p style="text-align: right;">Page 25</p> <p>1 Q. And how old is Devon today?</p> <p>2 A. Devon is 18.</p> <p>3 Q. And your youngest?</p> <p>4 A. [REDACTED]</p> <p>5 Q. Okay.</p> <p>6 A. He is 16.</p> <p>7 Q. And do they have the same mother?</p> <p>8 A. Yes.</p> <p>9 Q. And who is that?</p> <p>10 A. Erica Hume, H-U-M-E.</p> <p>11 Q. And is -- Ms. Hume and you never married, obviously?</p> <p>12 A. No.</p> <p>13 Q. Are you together with her today?</p> <p>14 A. No.</p> <p>15 Q. Okay. Do you see her very often?</p> <p>16 A. I can't say I've seen her in over a year. She has</p> <p>17 very little to do with her children.</p> <p>18 Q. I was going to ask you whether she was involved in her</p> <p>19 children's lives?</p> <p>20 A. Very, very little.</p> <p>21 Q. Okay.</p> <p>22 A. Not by my choice.</p> <p>23 Q. I understand.</p> <p>24 And Tryston -- and, by the way -- Tryston,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 27</p> <p>1 Q. Now, I read, according to your Complaint, there are</p> <p>2 two houses at issue here. Were you purchasing two</p> <p>3 houses at the time of this incident?</p> <p>4 A. At the time of the incident, yes, we had a land</p> <p>5 contract for a property at 423 Farr Road in</p> <p>6 Norton Shores. And we had an issue with the City of</p> <p>7 Norton Shores over the number of dogs that we had, and</p> <p>8 we were trying to get a kennel license, and we went</p> <p>9 through the Zoning Board of Appeals, through the</p> <p>10 application process, we were denied, and then we were</p> <p>11 told we either had to get rid of our dogs or move.</p> <p>12 Q. Okay.</p> <p>13 A. So we entered into another land contract, where we</p> <p>14 currently reside, at the 1769 North Green Creek</p> <p>15 address, and put the home at the 423 address up for</p> <p>16 sale, and continued to make payments on that for</p> <p>17 approximately 14 months before we just couldn't handle</p> <p>18 the payments on both and had to sign a quitclaim deed.</p> <p>19 Q. So the house on Farr Road is in Norton Shores.</p> <p>20 North Green Creek is what city?</p> <p>21 A. North Muskegon.</p> <p>22 Q. And at the time of this incident, which was -- began</p> <p>23 on July 9th, 2014, where -- what did you consider your</p> <p>24 home? Where did you return to at night and --</p> <p>25 A. The 1769.</p>
<p style="text-align: right;">Page 26</p> <p>1 A. Tryston.</p> <p>2 Q. I'm sorry.</p> <p>3 Of these three children today, do any of</p> <p>4 them live with you today?</p> <p>5 A. Yes. Devon and [REDACTED] the two youngest, live</p> <p>6 with me.</p> <p>7 Q. All right. And what's Tryston doing these days?</p> <p>8 A. Tryston is living with a guy that was with his mother,</p> <p>9 Samuel Shoen (sp). As far as I know, he's working</p> <p>10 full time and working to get his own place.</p> <p>11 Q. Okay. And Devon and [REDACTED] are they in school,</p> <p>12 or what are they doing?</p> <p>13 A. Devon works full time for a landscaping company. And</p> <p>14 my youngest son is currently enrolled in Reeths Puffer</p> <p>15 High School in Muskegon.</p> <p>16 Q. Now, referring back to paragraph 13 of the Complaint,</p> <p>17 you were with all three of your boys, you were grocery</p> <p>18 shopping that day?</p> <p>19 A. No. My youngest son was at home. He had hockey</p> <p>20 practice that morning.</p> <p>21 Q. Okay.</p> <p>22 A. And then he didn't want to go. He wanted to take a</p> <p>23 nap and rest. So I left him at the house with my -- a</p> <p>24 buddy of mine, Mike, that was there. And I took the</p> <p>25 two older boys with me.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Okay. Farr Road?</p> <p>2 A. No.</p> <p>3 Q. No, I'm sorry, North Green Creek, okay.</p> <p>4 So Farr Road, you were hoping to sell?</p> <p>5 A. Yes.</p> <p>6 Q. Because of the dog situation -- how many dogs did you</p> <p>7 have?</p> <p>8 A. We were trying to sell it so we could get our equity</p> <p>9 back out of it.</p> <p>10 Q. How many dogs did you have?</p> <p>11 A. We had at the time five rottweilers.</p> <p>12 Q. Was that a commercial enterprise, or were they just</p> <p>13 pets?</p> <p>14 A. No, we were -- our intention was to create a</p> <p>15 rottweiler rescue, and, you know, they -- to</p> <p>16 reiterate, we went through the early stages of the</p> <p>17 process. We had to gain the City approval first for</p> <p>18 the kennel license, and I didn't get anywhere, so we</p> <p>19 were forced to either get rid of the dogs or move, so</p> <p>20 we moved.</p> <p>21 Q. So, again, going back to July 9th, 2014, what was the</p> <p>22 state of Farr Road? Let me explain what I mean by</p> <p>23 that. Was it -- although you were not living there,</p> <p>24 was it habitable? Was it --</p> <p>25 A. It was habitable. It was actually occupied by my</p>

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<p style="text-align: right;">Page 29</p> <p>1 cousin and his girlfriend, who were there. Kind of 2 helping them out with a place to stay. 3 Q. Okay. 4 A. And also security measure, if you will, for us, 5 because we did still have quite a bit of personal 6 belongings stored in the garage and in the basement 7 yet. 8 Q. Who is your cousin? 9 A. That was Mike Porter. 10 Q. And his girlfriend? 11 A. Heather Drabough (sp). 12 Q. Were they paying rent? 13 A. They were, yes. 14 Q. How long had they lived there before this -- before 15 July 9th -- 16 A. Oh, gosh -- 17 Q. -- 2014? 18 A. -- not long. A matter of a couple months, maybe. 19 Q. Okay. And, to the best of your recollection, how long 20 had you lived at North Green Creek before this 21 incident? 22 A. We were there approximately four years. 23 Q. And it was you, Tryston, Devon, and [redacted] at the 24 time of the raid? 25 A. And Samantha.</p>	<p style="text-align: right;">Page 31</p> <p>1 about July 9th, 2014? 2 A. We were, yes, yeah. 3 Q. Okay. From whom were you purchasing it? 4 A. Donald Shampine. 5 Q. Champagne, like the wine? 6 A. Shampine. 7 Q. Do you think you could spell it? 8 A. S-H-A-M-P-I-N-E. And I believe that's Dasras, 9 Incorporated, D-A-S-R-A-S is his -- 10 Q. So you think maybe it was -- was it Dasras? 11 A. Dasras. 12 Q. Dasras? 13 A. D-A-S-R-A-S. 14 Q. And Dasras was the corporation that you think actually 15 owned the building? 16 A. I believe so, yes. 17 Q. And what were the terms? In other words, what did you 18 pay for it, and what were you paying a month? 19 A. It was a -- it was to be a five-year balloon -- or 20 five-year land contract. I think the agreed purchase 21 price was 120,000, and our payments were 1,695 a 22 month. 23 Q. Okay. And what was that building before you bought 24 it, do you remember, was it a commercial -- 25 A. Before we -- before we moved in, it was -- there were</p>
<p style="text-align: right;">Page 30</p> <p>1 Q. And Samantha Conkin? 2 A. Yep. 3 Q. Was she a girlfriend? 4 A. Fiancee, yes. 5 Q. Fiancee? Is she today? 6 A. Yes. 7 Q. Now, going back to July 9th, you have Deuces Wild 8 Smoke Shop at 885 East Apple Avenue. How many 9 employees did you have there? 10 A. I believe at the time we had four. 11 Q. Okay. Do you remember their names? 12 A. Donald Supernaw, who's my brother, there was Fred 13 Fenning, Jr., Andrew Moser, and I forget Rob's last 14 name. Rob something or other. I forget his last 15 name. 16 Q. And did you pay them an hourly rate? 17 A. Yes, they were on payroll. 18 Q. And they weren't on commission or anything? 19 A. No. 20 Q. Okay. Now, I understand that -- well, first of all, 21 885 East Apple Avenue, is that a building you own? 22 A. No. That was another one I had a land contract, we 23 were purchasing that building. 24 Q. Okay. And I should rephrase that. 25 Were you purchasing the building on or</p>	<p style="text-align: right;">Page 32</p> <p>1 actually two entities in it, as we had. There was 2 Alf Insurance, and there was a Cash Advance store. 3 Q. Okay. 4 A. Both in the same location. 5 Q. Do you remember the square footage of that building? 6 A. It was approximately 1,600 square foot. 7 Q. 1,600? 8 A. Yeah. 9 Q. Okay. Is the building roughly a square shape, or is 10 it -- 11 A. Rectangular. 12 Q. Rectangular? 13 A. Yeah. It was longer. 14 Q. And is it divided -- I mean, obviously your allegation 15 is there were -- you know, there's a public place, a 16 nonpublic place, et cetera, et cetera? 17 A. Correct. 18 Q. So I'm asking, in the rectangular building, was there 19 divisions within the building? 20 A. There was, yes. 21 Q. Okay. Can you describe the division? Walls -- 22 A. Solid wall with a door. 23 Q. Okay, solid wall with a door. But just so I'm clear, 24 it was one building, correct? 25 A. Correct.</p>

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<p style="text-align: right;">Page 33</p> <p>1 Q. And it was serviced with electricity, for example, 2 that served the entire building? There weren't two 3 separate meters, correct? 4 A. Incorrect. There were two separate meters. 5 Q. And what meter went to what? 6 A. One meter was for the Deuces Wild, and the other was 7 for the 885 East Apple. 8 Q. I'm sorry? 9 A. The 885 East Apple. 10 Q. Okay. Did it have the same address? 11 A. Yes. 12 Q. All right. So how -- roughly, what's the square 13 footage of Deuces Wild? 14 A. Where we're currently at, or at the time? 15 Q. At the time, I'm sorry. And, again, roughly? I'm not 16 going to hold you to it. I'm just trying to get an 17 idea. 18 A. It was probably about -- I would say about 1,200 19 square foot was being leased to Deuces Wild. 20 Q. Being leased by whom? 21 A. 885 East Apple. 22 Q. Okay. What is that? 23 A. That was an actual entity. It wasn't just the 24 address, it was the actual entity. 25 Q. Okay. And what was it, a corporation?</p>	<p style="text-align: right;">Page 35</p> <p>1 Q. What's the alleged part? Who's made this allegation? 2 A. It would have been WEMET. 3 Q. Okay. And what do you mean by dispensary? 4 A. Provisioning center and dispensary, whatever you want 5 to call it. 6 Q. I'm sorry? 7 A. Provisioning center, medical marijuana dispensary, 8 whatever you want to call it. 9 Q. Okay. Well, it's a term that you used. I'm asking 10 what do you mean by a dispensary? So it's where 11 marijuana is sold? 12 A. Correct. 13 Q. Okay. And marijuana -- and that was -- so 885 East -- 14 excuse me, what was the name of the corporation again? 15 A. 885 East Apple. 16 Q. Okay. And that was a corporation. And you say 17 "alleged" dispensary? 18 A. It was an LLC. 19 Q. Okay, LLC. Okay, and where was that dispensary 20 physically located? 21 A. In the rear of the building. 22 Q. Okay. Did you not consider that a marijuana 23 dispensary? 24 A. We did. Isn't that what I just described it to you 25 as?</p>
<p style="text-align: right;">Page 34</p> <p>1 A. Yes. 2 Q. And were you an incorporator or an officer? 3 A. Yes. 4 Q. Is that listed in your Interrogatory Answers? 5 A. It was not, no. 6 Q. Why not? So there's at least two other entities that 7 you were an officer, which are left off this 8 Interrogatory answer, correct? 9 A. Yes. 10 Q. Okay. Well, let's talk about Apple Avenue then. When 11 did you incorporate that? 12 A. That was right around the same time, November of 2011, 13 when we moved in. 14 Q. Okay. Why did you incorporate and not just buy it as 15 an individual? 16 A. Excuse me? 17 Q. Why did you incorporate and purchase it through a 18 corporation, as opposed to just you individually? 19 A. The building was being purchased by myself as an 20 individual. 21 Q. Okay. Then what is 885 East Apple, what was the 22 function of that? 23 A. That was the alleged dispensary. 24 Q. Okay. So you say alleged dispensary? 25 A. That's what I said, yes.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Well, you said alleged, and I'm -- and normally when 2 someone says that, they say I disagree with it, that 3 somebody else is calling it a dispensary. So it is a 4 dispensary, correct? 5 A. It was a dispensary, yes. 6 Q. Okay. And from that part of the building, you sold 7 marijuana -- or, rather, 885 East Apple -- 8 A. I didn't sell marijuana, no. 9 Q. Let me finish the question. 10 885 East Apple, LLC sold marijuana, 11 correct? 12 A. Correct. 13 Q. Okay. Did you, as either an officer or an employee of 14 this LLC, ever sell marijuana? 15 A. I did not. 16 Q. Okay. So you never handed it to anyone, took any 17 money, correct? 18 A. I did not. 19 Q. Okay. Did Samantha Conklin? 20 A. Yes. 21 Q. Okay. Did anyone else besides Samantha? 22 A. Yes. 23 Q. Who? 24 A. Rob Holm was his last name, H-O-L-M. 25 Q. H-O-L-M?</p>

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<p style="text-align: right;">Page 37</p> <p>1 A. Correct.</p> <p>2 Q. And did you say Rob? I did not catch that.</p> <p>3 A. Rob, yes, correct.</p> <p>4 Q. Rob, all right. Anyone else?</p> <p>5 A. There was a Raymond Meyers at one point.</p> <p>6 Q. How do you spell Mr. Meyers' last name?</p> <p>7 A. M-E-Y-E-R-S, I believe.</p> <p>8 Q. Okay.</p> <p>9 A. They were all licensed caregivers at the time, and</p> <p>10 able to transfer medicine for compensation under the</p> <p>11 definition of the medical use listed in 3E of the</p> <p>12 Medical Marijuana Law at the time before other cases</p> <p>13 had gone through the court process and, you know,</p> <p>14 certain judgments were made.</p> <p>15 Q. Okay.</p> <p>16 A. But at the time our transfers were considered legal.</p> <p>17 Q. By whom? You?</p> <p>18 A. By the definition of the law. By the letter of the</p> <p>19 law.</p> <p>20 Q. Let me finish the question.</p> <p>21 A. Sure.</p> <p>22 Q. I understand the law exists, it's right there, we can</p> <p>23 all read it. That was your interpretation at the time</p> <p>24 these sales were made, you read the law and said these</p> <p>25 are legal sales, correct?</p>	<p style="text-align: right;">Page 39</p> <p>1 will, of the way people were running dispensaries.</p> <p>2 Q. Okay. But the language hadn't been amended between</p> <p>3 the time you made your judgment, and the time the</p> <p>4 Court of Appeals issued its opinion, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. So let's go back then.</p> <p>7 So Samantha Conklin was -- what would you</p> <p>8 -- did you describe her as a caregiver under the</p> <p>9 Statute?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And Rob Holm is a caregiver under the Statute?</p> <p>12 A. Correct.</p> <p>13 Q. And Raymond Meyers, was he selling or having anything</p> <p>14 to do with 885 East Apple Avenue on July 9th, 2014?</p> <p>15 A. I don't believe he was still with us at the time.</p> <p>16 Q. Okay.</p> <p>17 A. I could be wrong.</p> <p>18 Q. All right. So back in the dispensary, around July</p> <p>19 9th, 2014, on that day or around that day, what form</p> <p>20 was the marijuana in in that dispensary? Were there</p> <p>21 plants? Were they in jars? Were they -- what were</p> <p>22 they like?</p> <p>23 A. There was, I believe, one very small seedling. The</p> <p>24 majority of it was in dry smokable form. And there</p> <p>25 was also edible forms.</p>
<p style="text-align: right;">Page 38</p> <p>1 A. It wasn't just my interpretation, it was the letter of</p> <p>2 the law. If you'd like me to explain I could do it</p> <p>3 verbatim.</p> <p>4 Q. I'd rather not. I'm asking you, you looked at it, you</p> <p>5 read it, and in your opinion it was legal, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay, thank you.</p> <p>8 But you said subsequent judgments were</p> <p>9 made. Made by whom? The Court of Appeals? Michigan</p> <p>10 Court of Appeals?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And Michigan Court of Appeals evidently</p> <p>13 interpreted that language differently from you; is</p> <p>14 that correct?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. So the Statute wasn't amended, it was the Court</p> <p>17 of Appeals read the exact same language you read and</p> <p>18 came to a different conclusion, correct?</p> <p>19 A. It was a difference in interpretation.</p> <p>20 Q. I understand. My question is, they read the exact</p> <p>21 same language and came up with a different conclusion</p> <p>22 than you did, correct?</p> <p>23 A. Yes and no.</p> <p>24 Q. Okay.</p> <p>25 A. It was based on different -- different models, if you</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Okay. What's a seedling, by the way? I don't know.</p> <p>2 What's a seedling?</p> <p>3 A. A seed that was sprouted into a plant.</p> <p>4 Q. Okay. So I take it a very small plant?</p> <p>5 A. A very small plant.</p> <p>6 Q. Okay. The rest was dried and in smokable form or</p> <p>7 edible form?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. If you had to give an estimate, roughly July</p> <p>10 9th, what would be the combined weight of this</p> <p>11 marijuana, if you know?</p> <p>12 A. I would say probably somewhere around 12 to 14 ounces.</p> <p>13 Q. Okay. And the dried form, was it -- how was it</p> <p>14 stored? Was it stored in jars?</p> <p>15 A. Jars.</p> <p>16 Q. And the edible form, what form was that in?</p> <p>17 A. It was packaged.</p> <p>18 Q. Okay. And is it like a butter? Is it a brownie? Is</p> <p>19 it -- what's it like?</p> <p>20 A. It was hard candies, suckers.</p> <p>21 Q. All right. Now, on July 9th, nonparties Schmitz,</p> <p>22 Marshall, Vogt, Perolini, and Defendant Strauss</p> <p>23 entered the public portion of the premises.</p> <p>24 Do you know, who was Schmitz, Marshall,</p> <p>25 Vogt, and Perolini? Who are they?</p>

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<p>1 A. Parolini was the guy that was with the 6th District 2 Tobacco Task Enforcement. Schmitz was the sergeant, 3 supervisor of Trooper Vogt, and whoever the other one 4 is. 5 Q. I'm sorry, Schmitz was a sergeant with whom, do you 6 know? 7 A. Michigan State Police. 8 Q. MSP, okay. 9 And then Marshall? 10 A. Marshall was with WEMET. 11 Q. Okay. And Vogt? 12 A. Was a trooper with the Michigan State Police. 13 Q. Okay. And who was at the shop at the time they 14 arrived? 15 A. My brother, Donald Supernaw, and Samantha. 16 Q. Donald -- what was his last name? 17 A. Supernaw. 18 Q. How do you spell that? 19 A. S-U-P-E-R-N-A-W. 20 Q. Okay. And did -- what -- if you -- because obviously 21 you were not there, but I assume somebody has told you 22 what their announced purpose was for showing up? 23 A. Yes. 24 Q. Okay. What was their purpose? 25 A. The announced purpose at the time, I believe, was a</p>	<p>1 Q. Okay. How do you know that? 2 A. I don't have proof. I just know. 3 Q. Okay. And what, to your knowledge, was the nature of 4 Officer Dent's investigation? What did he do to 5 investigate you? 6 A. We were a medical marijuana dispensary in the early 7 years of the law, while everything was still trying to 8 be figured out. 9 Q. Right. 10 A. Detective Dent arranged a raid at another location 11 where -- before we moved to the 885 address, and tried 12 to have us prosecuted, and was unsuccessful in doing 13 so. I don't know if he was reprimanded, or not. But 14 I know after a period of about three years, he picked 15 the investigation back up, because he found that we 16 were still doing business. 17 Q. Okay. So what was that earlier place? 18 A. That was -- it was on Apple. I don't even recall the 19 address. 20 Q. Do you remember the name of the shop, or what it was? 21 A. It was the Meyer -- it was a Meyer Cleaners before we 22 moved in. 23 Q. Okay. 24 A. I don't remember what the address was. 25 Q. Okay. And what did you do at this Meyer's Cleaner?</p>
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<p>1 guise, just to gain entrance for WEMET, but it was 2 stated to us that it was just a routine inspection by 3 the Tobacco Task Enforcement Team. 4 Q. Okay. You claim that that was a guise, correct? 5 A. Correct. 6 Q. Okay. What do you think their real purpose was there 7 for? 8 A. To gain entry to the rear of the building, to the 9 dispensary. 10 Q. Okay. Why did they want to do that? 11 A. Seriously? 12 Q. Yeah. 13 A. Well, being that it was a four-year investigation, 14 that Detective Dent was relentless, I would say it was 15 to gain entry to the back to seize the marijuana and 16 prosecute us. 17 Q. So Officer Dent conducted a four-year investigation 18 against Deuces Wild, correct? That's your testimony? 19 A. Against me. 20 Q. Against you personally? 21 A. Deuces Wild didn't exist in the initial stage of the 22 investigation. 23 Q. Okay. And on July 9th, you believe that this task 24 inspection was actually arranged by Officer Dent? 25 A. I know it was.</p>	<p>1 A. That was -- 2 Q. Was this a dispensary? 3 A. That was where we were trying to form the Compassion 4 Club, the nonprofit. 5 Q. And he -- you said he conducted a raid? 6 A. Yes. 7 Q. Okay. Do you remember roughly when that was? 8 A. 2010? 9 Q. Okay. 10 A. Or 2010, 2011? 11 Q. Was that raid pursuant to warrant, a search warrant? 12 A. Yes. 13 Q. Okay. And did he seize any items? 14 A. Yes. 15 Q. Do you remember if anyone else was with him? 16 A. There was an entire team, yes. 17 Q. Okay. Were you placed under arrest at that time? 18 A. Yes. 19 Q. And what were you -- what were you charged with? 20 A. I was actually never charged. I was detained -- I was 21 placed under arrest. We were taken down to the police 22 station for questioning, and after a matter of a 23 couple hours, we were released. 24 Q. Okay. And you were never charged? 25 A. We were never charged.</p>

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<p style="text-align: right;">Page 45</p> <p>1 Q. Okay. Was all the product that was seized or any item 2 that was seized returned to you? 3 A. Everything that was seized was returned to us, 4 including the marijuana. 5 Q. Okay. No forfeiture action? 6 A. No. 7 Q. Okay. And Detective Dent picked up another 8 investigation? Is that what I understand you to say, 9 he began investigating again? 10 A. Apparently this was all the same investigation, it was 11 the same lead detective, same parties involved. 12 Q. Okay. And what -- 13 A. Same underlying elements, I mean -- 14 Q. What was the nature of the second investigation or 15 investigation into the Deuces -- 16 A. Marijuana dispensary, same thing. 17 Q. What did he do? 18 A. What did he do? He organized a raid at my place of 19 business. 20 Q. You're talking about on July 9th? 21 A. He had officers come in and seize all of our property 22 in our homes and our business all before a warrant was 23 ever issued. 24 Q. Okay, and that was on July -- 25 A. He threatened to damage my store. He had another</p>	<p style="text-align: right;">Page 47</p> <p>1 were able to gain entry and purchase any medicine. 2 Q. Okay. And so Officer -- Detective Dent went into the 3 dispensary and purchased marijuana, correct? 4 A. With falsified documents, yes. 5 Q. I understand that. And who sold it to him? 6 A. Samantha. 7 Q. And so Samantha was a caregiver, correct? 8 A. Correct. 9 Q. And who were her patients at that time? 10 A. I'm not at liberty to say. That's protected by HIPAA. 11 Q. Okay. Was Detective Dent her patient? 12 A. He was not. 13 Q. Okay. So it was illegal for her to sell it to 14 Detective Dent, because he was not a patient, correct? 15 MR. BOSTIC: Object -- 16 A. I disagree. 17 MR. BOSTIC: Object as to form and 18 foundation. 19 BY MR. BENSON: 20 Q. Okay. So, in your opinion, it was legal for her to 21 sell it to Detective Dent even though -- 22 A. Yes. 23 Q. -- he was not a patient? You have to let me finish 24 the question. She can't write us down when we're both 25 talking at the same time.</p>
<p style="text-align: right;">Page 46</p> <p>1 officer hold my 12-year-old at gunpoint. 2 Q. I'm asking prior to -- 3 A. I'm telling you -- 4 Q. I'm asking prior to July 9th, did he go in and buy 5 marijuana from Samantha? 6 A. Yes, he did. 7 Q. Did he put you under surveillance -- okay, let's talk 8 about that. 9 What's your understanding of what he did 10 leading up to July 9th? 11 A. My understanding of what he did was he falsified 12 documents to gain himself entry, again, a difference 13 in interpretation of the law. The law states that 14 because it was taking so long for the State to process 15 cards, that if you had your documents that were signed 16 by the doctor, you were still protected under 17 Section 8's affirmative defense, even if you hadn't 18 registered with the State or your application had not 19 yet been processed. 20 So at that point in time, most dispensaries 21 were allowing people who had the paperwork for the -- 22 with the doctor's signature, along with their green 23 slip from Lansing, showing that it had been received 24 and was being processed, that way we knew they had 25 registered with the State, that's the only way they</p>	<p style="text-align: right;">Page 48</p> <p>1 So it was in your opinion at the time it 2 was a legal sale, correct? 3 A. Yes, it was. 4 Q. Okay. How many sales -- how many times did he 5 purchase marijuana from Samantha Conklin -- 6 A. I believe twice. 7 Q. Please let me finish the question. And I'm not 8 reprimanding you -- 9 A. Sounded like it was finished to me. I apologize. 10 Q. Uh-huh. 11 How many times, to your knowledge, did 12 Detective Dent purchase marijuana from Samantha 13 Conklin? 14 A. So the question was finished? Twice. 15 Q. Thank you. 16 And in both of those occasions, in your 17 opinion, they were legal purchases? 18 A. Correct. 19 Q. Okay. Do you still believe they were legal? 20 A. I do. The law very clearly says that a caregiver may 21 be compensated for costs associated for assisting a 22 medical marijuana patient with the medical use of 23 measure. Medical use is described in Section 3E of 24 the Medical Marijuana Law to include delivery 25 transportation.</p>

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- 1 Q. Okay. Has any Court disagreed with that
2 interpretation, or is that still the -- is that how
3 the Courts view it?
- 4 **A. The law has been amended.**
- 5 Q. Okay. And as it existed at that time, it was legal?
- 6 **A. Per the letter of the law, yes --**
- 7 Q. Okay, but not --
- 8 **A. -- it said a caregiver was --**
- 9 Q. My fault.
- 10 **A. It said that a caregiver could only grow for its five**
11 **patients whom he or she was connected to through the**
12 **Department's registration process. It was very**
13 **specific in stating they could only grow for those**
14 **patients who they were connected to through the**
15 **Department's registration process. And a subsequent**
16 **subsection is where it says that a caregiver may be**
17 **compensated for costs associated for assisting a**
18 **qualified registered patient for the medical use of**
19 **marijuana. It did not specify they had to be**
20 **connected through the Department's registration**
21 **process, as previously stated in another section of**
22 **the law.**
- 23 Q. When Samantha Conklin was charged, was she -- what was
24 she charged with?
- 25 **A. She was charged with conspiracy to deliver less than**

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- 1 -- less than 5 kilos, I think.
- 2 Q. And were those charges arising out of her sale of
3 marijuana to Detective Dent?
- 4 **A. They were, yes.**
- 5 Q. Did she plead guilty to those charges or to charges
6 arising from the sale of marijuana to Detective Dent?
- 7 **A. She -- I believe she did a plea agreement for 7411 for**
8 **possession, I think. I don't know. He represented**
9 **her in that case.**
- 10 Q. So she pled guilty, and you don't know whether she
11 pled guilty to charges arising out of selling
12 marijuana to Detective Dent?
- 13 **A. I don't believe she was actually charged with that**
14 **incident. I believe what she was charged for was what**
15 **was seized with the intent to deliver, I believe.**
- 16 Q. Okay. What were you charged with?
- 17 **A. I was charged with conspiracy to manufacture more than**
18 **20, but less than 200 plants, and conspiracy to**
19 **deliver 5 to 45 kilos.**
- 20 Q. In the dispensary, in the building that we're talking
21 about, do you believe that it was legal for you, under
22 State law, not Federal law, State law for you to
23 possess that marijuana?
- 24 **A. Yes.**
- 25 Q. Okay. And -- all right. Because the reason -- well,

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- 1 never mind, all right.
- 2 All right, so they, meaning the Tobacco
3 Enforcement Team, along with Michigan State Police,
4 along with Defendant Strauss' announced purpose was to
5 conduct an inspection of your shop looking for tobacco
6 products? That's your understanding, correct?
- 7 **A. Yes.**
- 8 Q. Did they conduct that inspection and investigation of
9 Deuces Wild, the smoke shop?
- 10 **A. They did.**
- 11 Q. And did they find tobacco products?
- 12 **A. They did.**
- 13 Q. Okay. And did they seize those products?
- 14 **A. They did.**
- 15 Q. Okay. What were the ramifications of that, meaning --
- 16 **A. Nothing.**
- 17 Q. -- you were not charged with a crime, you were not
18 asked to pay taxes on it, et cetera?
- 19 **A. Correct.**
- 20 Q. Okay. Now, according to your Complaint --
- 21 **A. I wouldn't necessarily say they were seized. I**
22 **willingly gave up possession of them.**
- 23 Q. Okay. When did you give possession of them, that same
24 day?
- 25 **A. Before WEMET arrived, yes.**

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- 1 Q. Okay. Before WEMET arrived on July 9th, you gave it
2 back to them?
- 3 **A. Yes, to Mr. Parolini.**
- 4 Q. Okay. So you were not there. Apparently, you then
5 went to the shop when they were there, I assume,
6 correct?
- 7 **A. Correct. They were there I think for about 25**
8 **minutes, maybe 35 minutes before my arrival.**
- 9 Q. Had they looked in the dispensary before you showed
10 up?
- 11 **A. I believe so.**
- 12 Q. Okay. So according to your allegation, the
13 dispensary, and I was a little confused about
14 something you said in your Complaint, because in one
15 -- one paragraph I read that it was locked, and then
16 another paragraph said they walked right in.
- 17 So I was going to ask you about the door
18 separating Deuces Smoke Shop and the dispensary. Was
19 that, at the time they showed up, locked?
- 20 **A. Yes, it was.**
- 21 Q. Okay. And it had signs on it, correct?
- 22 **A. Correct.**
- 23 Q. And what did the signs say? And I think your attorney
24 provided copies of the sign, but paraphrase?
- 25 **A. The sign said that entry was not permitted without**

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1 approval. And it included law enforcement. And there
2 was actually instructions for law enforcement.
3 Q. How is it they walked in if it was locked?
4 A. They cornered her in the rear of the building --
5 Q. Samantha?
6 A. Yes, took the keys, and walked in.
7 Q. They took the keys off of Samantha?
8 A. Correct.
9 Q. Okay. And -- and when you arrived, you think they had
10 already done that, correct?
11 A. Yes.
12 Q. Okay.
13 A. They had -- yes, they had already been in and out of
14 the back by the time I had gotten there.
15 Q. Okay.
16 A. I don't believe anybody was back there when I got
17 there. But, I mean, she had explained to me what was
18 going on, and WEMET was already on their way.
19 Q. And so --
20 A. Or may have even -- I think they already had a
21 detective there from WEMET by the time I arrived.
22 Q. And to whom did you first start speaking to of these
23 various law enforcement personnel?
24 A. I don't recall. I no longer have the video footage.
25 As soon as I entered the building, I was recording and

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1 asking for names and badge numbers.
2 Q. Okay. When you say you were recording, what were you
3 using?
4 A. I was using a Motorola Droid.
5 Q. A --
6 A. Cell phone.
7 Q. -- cell phone? And that's the regular -- your regular
8 cell phone you had with you at the time?
9 A. At the time it was, yes.
10 Q. You walked in and you videoed it, and what was the
11 nature of the conversation? To the best of your
12 recollection, what did you talk about?
13 A. I was asking them to provide a warrant. And they
14 failed to do so. So I grabbed another phone and I
15 called my attorney and asked him to advise. He said
16 to keep recording and keep asking questions and keep
17 asking them to leave and come back with a warrant.
18 They failed to do so. They continued to search, they
19 continued to seize.
20 Q. Did they search Deuces Smoke Shop --
21 A. Both.
22 Q. -- or while you were there -- let me finish.
23 While you were there, did they also go back
24 to the dispensary and search and seize product there?
25 A. Yes.

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1 Q. And that was all captured on video?
2 A. Yes.
3 Q. On your phone, I should say?
4 A. Correct.
5 Q. And then what happened?
6 A. Then my phone died. I took it out to my truck to put
7 it on the charger, grabbed my oldest son's iPhone, and
8 went back in and started recording more.
9 Q. Okay. And just what happened after that?
10 A. They just kept going through closets, going through
11 the safe. They were in fact already taking the seized
12 items and putting them into bins to be transferred out
13 to their transport vehicle.
14 Q. Okay. And then what happened?
15 A. And then my Muskegon attorney, Kevin Wistrom, showed
16 up, and we just let them conduct their investigation
17 and do whatever they were doing. And then they wanted
18 to ask me some questions. I was cooperative, for the
19 most part, until Detective Dent instructed me to turn
20 over the blue phone, which was my son's phone, which,
21 mind you, was not named in the warrant of things to be
22 seized.
23 Q. Well, that was going to be my question. Did they
24 eventually --
25 A. Well, it was part of my answer. Detective Dent --

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1 Q. Let me finish. Did they eventually produce a warrant
2 at that time?
3 A. At that time, no, they did not.
4 Q. Okay. So he took your son's phone without a warrant?
5 A. Correct.
6 Q. Okay. Because you said it wasn't described in the
7 warrant. But there is no warrant at this point,
8 correct?
9 A. Later, the warrant was issued, two-and-a-half hours
10 later, and that phone was never listed in that
11 warrant.
12 Q. I'm trying to walk through this chronologically. So
13 he took your son's phone?
14 A. Chronologically, there was no warrant at the time this
15 occurred.
16 Q. That's what I'm asking, okay.
17 And so what else did they take? They took
18 marijuana, I assume, correct?
19 A. They took the marijuana, they took --
20 Q. Did they take the DVR or the --
21 A. All forms of marijuana. They took the glass jars that
22 contained the marijuana. They took my cell phone.
23 They took my son's cell phone after Dent threatened to
24 damage my store if I didn't produce that cell phone.
25 They took the DVR. They took some cameras. I believe

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1 they took Sammy's pistol. And they took some -- some
2 tax documents. I think that was the majority of it.
3 Q. And what did Detective Dent threaten to do to your
4 store if you didn't produce the cell phone?
5 A. Detective Dent's exact words were, "If you think I'm
6 being a prick now, son, wait and see what the fuck I'm
7 going to do to your store if you don't turn that phone
8 over."
9 Q. Any other things that he said to you that stand out?
10 A. No.
11 Q. Did they eventually vacate the premises on July 9th?
12 A. Eventually, we all were forced to vacate the premises,
13 and we were allowed to drive our vehicles to the 1769
14 address, where we were followed by all the officers,
15 where they continued searching and seizing at the 1769
16 North Green Creek address.
17 Q. Okay. So going back to Deuces Wild, you may have
18 already answered this, I apologize for asking the same
19 question twice, on July 9th, did they ever produce and
20 show you a warrant for Deuces Wild on that day?
21 A. At Deuces Wild, no.
22 Q. Okay.
23 A. I don't think I seen anything until we were at the
24 Green Creek location hours after the seizures occurred
25 at the 885 address.

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1 Q. I understand.
2 So you drive out then to your home,
3 correct?
4 A. Uh-huh.
5 Q. Okay. And do you remember what time of day this was?
6 A. I think it was -- it was sometime after 5, 6, maybe?
7 Q. What's Deuces Wild at the time, what were the normal
8 business hours?
9 A. Normal business hours were 11 a.m. to 6 p.m.
10 Q. Okay. Did you close early that day? Was it closed
11 while the police were seizing things?
12 A. They weren't letting people come and go. They
13 wouldn't even let me and my children use the restroom.
14 Q. So when you were at Deuces Wild, you were there, and
15 were your children there?
16 A. My two older sons were there with me, yes.
17 Q. Okay. And then you drove back to your home? And you
18 say you were followed?
19 A. Yes.
20 Q. Okay. And what happened when you arrived at the home?
21 A. We were escorted into the home. We were told to sit
22 in the living room on the couch. We were asked some
23 questions while this was going on, there was other
24 officers rummaging through drawers, cupboards,
25 closets, and we were pretty much just forced to sit

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1 there in the living room with our attorney.
2 Q. Okay. Did they have a warrant to search your home at
3 that time?
4 A. I don't believe the warrant had been produced yet, no.
5 Q. Okay. Did your attorney say anything to them about a
6 warrant when you were sitting at the home?
7 A. Oh, yeah.
8 Q. What did he say, do you remember?
9 A. He asked them to produce a warrant, and when they
10 didn't, I asked him what was up with that. And he
11 says, "Really, there's nothing we can do until we get
12 this into a courtroom. Stand by and let them do what
13 they're going to do."
14 Q. So during that, at North Green Creek, you were
15 present -- what's your attorney's name again? Mr. --
16 A. Kevin Wistrom.
17 Q. Wistrom?
18 A. Wistrom, W-I-S-T-R-O-M.
19 Q. Okay. And your two oldest boys?
20 A. Devon and Tryston.
21 Q. Okay. Anyone else? And besides the police, I mean?
22 A. That was at Deuces Wild, or at the Green Creek?
23 Q. No, no, no, I'm sorry, we're at Green Creek now.
24 A. My youngest son, [REDACTED], was there.
25 Q. Okay.

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1 A. Myself, my two older boys, my attorney, and Samantha.
2 Q. Okay. Did they seize any property at the North Green
3 Creek address?
4 A. Yes, they did.
5 Q. What did they seize?
6 A. They seized other cell phones. They seized another
7 weapon. And they seized all of our marijuana plants.
8 Q. Okay.
9 A. They seized cash. I think that was it.
10 Q. Okay. To your knowledge, when, if ever, did the
11 police produce a search warrant for the North Green
12 Creek address and show it to either you or your
13 lawyer?
14 A. I believe my attorney finally seen it right before the
15 officers left, and I don't even think I took a gander
16 at it until the following day.
17 Q. Okay. You mentioned that they seized marijuana
18 plants. Were you lawfully in possession of those
19 plants?
20 A. Yes, we were.
21 Q. Okay. Was that because they belonged to Samantha, and
22 she's a caregiver?
23 A. And myself as a patient.
24 Q. Was there anything in the house seized that you
25 consider illegal -- illegally in your possession?

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<p style="text-align: right;">Page 61</p> <p>1 A. No.</p> <p>2 Q. All right. Did they, at the same time, also search</p> <p>3 another property that you owned?</p> <p>4 A. 423 Farr.</p> <p>5 Q. Okay. Were you at any time present on Farr when they</p> <p>6 were present on Farr Road? I mean, in other words,</p> <p>7 did you drive out there and talk to them or --</p> <p>8 A. No, nope. We were detained at the 885 address, and</p> <p>9 then later escorted to the 1769 address. We didn't go</p> <p>10 see the 423 address until later that evening.</p> <p>11 Q. Okay.</p> <p>12 A. That's where the majority of the marijuana plants</p> <p>13 were. I believe we only had six or seven plants that</p> <p>14 had been moved to the Green Creek address. The</p> <p>15 remainder were at the Farr Road.</p> <p>16 Q. And did they seize the marijuana plants at the</p> <p>17 Farr Road?</p> <p>18 A. Yes, they did.</p> <p>19 Q. Okay. In your opinion, were you legally in possession</p> <p>20 of those marijuana plants?</p> <p>21 A. Yes, we were.</p> <p>22 Q. That's a "yes"?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And, again, is that because did they belong to</p> <p>25 Ms. Conklin?</p>	<p style="text-align: right;">Page 63</p> <p>1 then started asking him questions about whose bedroom</p> <p>2 belongs to who, what was upstairs, what was</p> <p>3 downstairs. And then they finally forced him out into</p> <p>4 the front yard, on the front side of the property,</p> <p>5 didn't even let him put shoes or anything on, detained</p> <p>6 him and took him outside while they searched the</p> <p>7 remainder of the home.</p> <p>8 Q. And that was the North Green Creek address?</p> <p>9 A. That was the North Green Creek address.</p> <p>10 Q. And that was obviously before you got there?</p> <p>11 A. That was before I got there, and before a warrant was</p> <p>12 issued.</p> <p>13 Q. You describe that in detail. Is that detail what you</p> <p>14 received from your son?</p> <p>15 A. It is, yes. My son was questioned by my attorney</p> <p>16 immediately after the police left the residence.</p> <p>17 Q. Okay. And your son was sure that it was firearms that</p> <p>18 were pointed at him, and not tasers?</p> <p>19 A. Correct.</p> <p>20 Q. Does he know the difference?</p> <p>21 A. Yes, he does.</p> <p>22 Q. How does he know the difference, to your knowledge?</p> <p>23 A. He's 12.</p> <p>24 Q. Okay.</p> <p>25 A. Well, he was 12 at the time.</p>
<p style="text-align: right;">Page 62</p> <p>1 A. Yes.</p> <p>2 Q. And you're her patient?</p> <p>3 A. No.</p> <p>4 Q. Okay.</p> <p>5 A. I'm my own -- I don't have a caregiver. She's a</p> <p>6 patient, she has five people that she's a caregiver</p> <p>7 for, and I'm a patient myself.</p> <p>8 Q. Got you.</p> <p>9 All right, there's an allegation that some</p> <p>10 officer pointed a gun at your son. Can you tell me</p> <p>11 where and when that happened?</p> <p>12 A. It was upon arrival, they knew exactly where he was</p> <p>13 per my description of the home. My son was the only</p> <p>14 person in the home. My buddy, Mike, was out in the</p> <p>15 pole barn. They knew where to find him. They knew he</p> <p>16 was sleeping. And he was awoken by two armed</p> <p>17 officers, both pointing their weapons at him. One</p> <p>18 didn't have his weapon pointed at him very long. He</p> <p>19 went to start searching the closet and under the bed</p> <p>20 while a State detective remained out in the hallway,</p> <p>21 and then he entered the bathroom and started going</p> <p>22 through the cupboards in the bathroom.</p> <p>23 Q. And that was at --</p> <p>24 A. All of this time, one of the two officers still had my</p> <p>25 son at gunpoint, escorted him into the hallway, and</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. I understand.</p> <p>2 And when you arrived, he was out in front</p> <p>3 of the house, your son?</p> <p>4 A. No. By the time I had arrived, he had been released</p> <p>5 to the care of his mother, his biological mother.</p> <p>6 Q. Got you.</p> <p>7 Again, if you know how the biological</p> <p>8 mother find out about this, did somebody call her?</p> <p>9 A. I was allowed by Detective Dent to call her. He</p> <p>10 released my two older children, who were with me at</p> <p>11 the store.</p> <p>12 Q. Right.</p> <p>13 A. Released them to her care, and that's why the iPhone</p> <p>14 was not in my possession, and I was unable to turn it</p> <p>15 over when he made the threats to damage the store.</p> <p>16 Q. Okay.</p> <p>17 A. Because he had released my son, who was in possession</p> <p>18 of that phone, to the care of his biological mother.</p> <p>19 Q. Okay. So just so I'm clear, you had your son's phone,</p> <p>20 you're videotaping, and then you hand the phone to</p> <p>21 your son, and then he walks off with the phone,</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. At some point the police retrieved that phone,</p> <p>25 correct?</p>

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- 1 A. Yes.
2 Q. How did that come about?
3 A. He threatened to damage my store.
4 Q. Okay.
5 A. So I called -- I called the kid's mom and told her
6 what was going on and said, "This guy's up here
7 threatening to damage my store if you guys don't bring
8 that phone back up here."
9 Q. Okay.
10 A. So they brought the phone back up there.
11 Q. And that was at Deuces Wild?
12 A. Correct.
13 Q. And I know I asked you this before, but that phone
14 belonged to which of your three sons?
15 A. Tryston.
16 Q. Tryston? Got you.
17 All right. I had asked you in the
18 Interrogatories, the DVR, I understand, was destroyed,
19 and I asked you what the value was. Where did you get
20 this DVR?
21 A. Novotny Electronics.
22 Q. What was the first name?
23 A. Novotny.
24 Q. Do you know how to spell Novotny?
25 A. N-O-V-O-T-N-Y.

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- 1 Q. And is that a local store?
2 A. Yes, it is.
3 Q. Do you remember what you paid?
4 A. It's a security company.
5 Q. Do you remember what you paid for it?
6 A. I would have to find the invoice for the exact amount.
7 I don't recall exactly what it was. And there was
8 installation fees. There was -- I don't remember.
9 Q. I was asking --
10 A. I think he had -- I think I believe I sent my attorney
11 the invoice as part of that a couple years ago.
12 Q. That's fine. The reason -- it's not a huge thing.
13 The reason I ask is in your Interrogatory Answers, you
14 actually made mention of the DVR installation fees,
15 et cetera, et cetera. I'm just trying to figure out
16 the value of the DVR without installation, without any
17 attendant costs. Do you remember what you paid just
18 for the unit?
19 A. Off the top of my head, no, I don't.
20 Q. Did you ever look at what it would cost to replace it,
21 just the DVR, not installation, or anything else, to
22 your recollection?
23 A. I don't recall exactly what model I had. The model
24 that we have now I believe is very similar, but, no, I
25 don't sell them for a living, so I don't know off the

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- 1 top of my head what they would cost.
2 Q. Okay. Now, the DVR --
3 A. I just told -- excuse me.
4 Q. Sure.
5 A. I just told the guy that we were getting everything
6 from what happened, and that I needed a new DVR. So
7 he sent his crew to bring a new DVR and install it.
8 Q. Okay. The DVR obviously is designed to record what's
9 going on in the store, correct?
10 A. Correct.
11 Q. Now, the DVR was seized by the police, I understand,
12 but I also understand that there have been copies of
13 things that were on the DVR; is that correct?
14 A. Correct.
15 Q. Who's in possession of those copies, and in what form
16 are they?
17 A. I believe I have them. I'm not certain.
18 Q. Okay.
19 A. Per our discovery, we were supposed to have obtained
20 copies. My attorney advised me this morning he can't
21 come across those copies either. So I'm going to have
22 to go home and dig through and see what I've got and
23 see if those were even included with that -- items we
24 received from our discovery.
25 Q. Now that the criminal case is over, do those videos

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- 1 have any intrinsic value to you?
2 A. They certainly do.
3 Q. Okay, why?
4 A. Well, because when this all went down, Detective Dent
5 threatened to turn this over to the Federal
6 authorities.
7 Q. Okay.
8 A. And, you know, especially with the -- with the plea
9 agreement and the agreement we had with all of our
10 stuff being returned, when I didn't get that, you
11 know, immediately, my first inclination is, well, what
12 about the rest of the deal? If this part of the deal
13 went south, and they destroyed my DVR, what else is
14 going to happen?
15 Q. Well, just so I --
16 A. So if they -- I wasn't finished.
17 Q. I understand.
18 A. If they were to turn this over to the Federal
19 authorities, I would very much need that factual video
20 footage of what happened, and it was all timestamped
21 for my own defense.
22 Q. But you have copies of everything on it, is what I'm
23 asking?
24 A. I'm not certain that I do.
25 Q. You have them in your possession and you can't find

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<p style="text-align: right;">Page 69</p> <p>1 them, correct?</p> <p>2 A. I have DVDs that were given to me. I don't know that</p> <p>3 those DVDs include that footage. I don't recall ever</p> <p>4 seeing that footage.</p> <p>5 Q. Where are those DVDs now, is what I'm asking?</p> <p>6 A. Those DVDs are at my residence. Everything that I was</p> <p>7 given per our discovery is at that residence, and I</p> <p>8 honestly do not recall seeing anything that was actual</p> <p>9 footage that was recorded from the DVR. I remember</p> <p>10 seeing footage from a traffic stop. I remember seeing</p> <p>11 -- one I think just had a bunch of text documents on</p> <p>12 it. Another one had some footage from the cell</p> <p>13 phones. But I don't -- I don't believe I was ever</p> <p>14 given anything, and I could be wrong, but I don't</p> <p>15 remember seeing anything that was actual footage of</p> <p>16 the store that was showing the officers going through</p> <p>17 and searching and seizing, you know, doing what they</p> <p>18 were doing during their investigation. I don't think</p> <p>19 I ever received that.</p> <p>20 Q. Okay, so -- okay. So you're not sure if you have or</p> <p>21 you haven't, but you could go check, correct?</p> <p>22 A. Right.</p> <p>23 Q. Well, as long as you brought up the Federal thing, you</p> <p>24 had mentioned in your Interrogatory Answers, as far as</p> <p>25 your damages, your concerns, is the question of -- of</p>	<p style="text-align: right;">Page 71</p> <p>1 MR. BOSTIC: The other part is my job.</p> <p>2 BY MR. BENSON:</p> <p>3 Q. Presumably, a United States attorney for the Western</p> <p>4 District of Michigan might choose to prosecute you.</p> <p>5 Is that your concern?</p> <p>6 A. Yes.</p> <p>7 Q. And whether that assistant -- excuse me -- whether</p> <p>8 that US Attorney chooses to prosecute you or not is</p> <p>9 based upon Federal law and his or her own decision</p> <p>10 whether it's worth pursuing, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Your answer to paragraph 15, does that</p> <p>13 summarize your allegations of damages? Is there</p> <p>14 anything that you have not included in your answer to</p> <p>15 paragraph 15 and 16?</p> <p>16 A. Aside from the fact of the mental distress of, you</p> <p>17 know, watching my family still have to go through</p> <p>18 this, be it nightmares, or just, you know, things --</p> <p>19 my son not even wanting to go in a gas station with me</p> <p>20 if there's a cop in there. He used to want to be a</p> <p>21 police officer when he was a little boy. No, nothing</p> <p>22 else.</p> <p>23 Q. Okay. Who is Michael Tozer? I'm sorry, he's listed</p> <p>24 as a witness, and I think everybody else, I recognize.</p> <p>25 I don't recognize Michael Tozer.</p>
<p style="text-align: right;">Page 70</p> <p>1 Federal prosecution. So it is your understanding that</p> <p>2 your possession of this marijuana violates Federal</p> <p>3 law, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And, as such, the Federal Government could, if the</p> <p>6 Federal Government chose to, prosecute you, correct?</p> <p>7 A. If they chose to, they absolutely could.</p> <p>8 Q. And if they do, what would that have to do with my</p> <p>9 clients, who are State officers?</p> <p>10 MR. BOSTIC: Object to form and foundation.</p> <p>11 BY MR. BENSON:</p> <p>12 Q. If the Federal prosecutors would make an independent</p> <p>13 decision to charge you, that would not be based on</p> <p>14 anything that my clients did, correct? The decision</p> <p>15 to prosecute?</p> <p>16 A. I object to that, too.</p> <p>17 MR. BOSTIC: You --</p> <p>18 A. I don't agree.</p> <p>19 BY MR. BENSON:</p> <p>20 Q. Well, answer the question.</p> <p>21 MR. BOSTIC: No, if you don't understand --</p> <p>22 A. Maybe I didn't understand.</p> <p>23 MR. BOSTIC: There you go.</p> <p>24 BY MR. BENSON:</p> <p>25 Q. Okay, thank you.</p>	<p style="text-align: right;">Page 72</p> <p>1 A. I don't either.</p> <p>2 Q. Okay, fair enough.</p> <p>3 MR. BENSON: All right, why don't we take a</p> <p>4 break here.</p> <p>5 (Off the record at 11:58 a.m.)</p> <p>6 (Back on the record at 12:06 p.m.)</p> <p>7 MR. BENSON: Back on the record.</p> <p>8 BY MR. BENSON:</p> <p>9 Q. Mr. Antol, did you ever read the Affidavit that</p> <p>10 Detective Dent submitted in order to get the search</p> <p>11 warrant?</p> <p>12 A. I did.</p> <p>13 Q. Okay. Do you disagree factually with anything he</p> <p>14 said? You may disagree with the interpretation, but</p> <p>15 did he say anything that was not true?</p> <p>16 A. I don't have the Affidavit in front of me. I don't</p> <p>17 recall what it said.</p> <p>18 Q. Okay. So your answer is you don't know?</p> <p>19 A. My answer is I don't recall what the Affidavit</p> <p>20 included.</p> <p>21 Q. You don't remember reading it and thinking that this</p> <p>22 was inaccurate?</p> <p>23 A. Oh, yeah, I do. I just don't remember to what extent.</p> <p>24 Q. Do you remember -- what can you best recollect --</p> <p>25 excuse me, what can you best recollect that was untrue</p>

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<p style="text-align: right;">Page 73</p> <p>1 in his Affidavit?</p> <p>2 A. I would have to see the Affidavit. I -- it's been so</p> <p>3 long, honestly, I don't recall.</p> <p>4 MR. BOSTIC: I've got a copy of it. Here.</p> <p>5 A. First thing I disagree with is the color of the</p> <p>6 building, but that's obviously irrelevant.</p> <p>7 Well, right here in black and white,</p> <p>8 Detective Dent showed Conklin a previously prepared</p> <p>9 fictitious application for a medical marijuana card.</p> <p>10 If we did that, we'd be going to Federal jail.</p> <p>11 I think I'd actually like a moment in</p> <p>12 private with my counsel.</p> <p>13 Q. Sure.</p> <p>14 (Off the record at 12:12 p.m.)</p> <p>15 (Back on the record at 12:13 p.m.)</p> <p>16 Q. All right. Are you prepared -- I can ask another</p> <p>17 question and --</p> <p>18 A. Yeah, if you could repeat that question?</p> <p>19 MR. BENSON: Do you mind if I mark this?</p> <p>20 Because it's your copy, that's why I'm asking. I can</p> <p>21 make a copy for you.</p> <p>22 MR. BOSTIC: Yeah, that's fine.</p> <p>23 MARKED FOR IDENTIFICATION</p> <p>24 DEPOSITION EXHIBIT 1</p> <p>25 12:13 p.m.</p>	<p style="text-align: right;">Page 75</p> <p>1 we're talking about?</p> <p>2 A. Yep, pretty much all of this.</p> <p>3 Q. Okay, thank you. Let me quick look this over.</p> <p>4 Oh, I see, okay. I got you, okay.</p> <p>5 You make reference to, it looks like</p> <p>6 paragraph 8, which is a reference to a Michigan Court</p> <p>7 of Appeals case People V Hartwick. And I assume you</p> <p>8 don't disagree with his interpretation of the case,</p> <p>9 you just disagree with that your business model was</p> <p>10 similar to People V Hartwick?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. Is that also true with the -- excuse me,</p> <p>13 another case he cites, which is State V McQueen? Do</p> <p>14 you disagree that State V McQueen is applicable to</p> <p>15 your case?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And I think you said that was it?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. All right.</p> <p>20 A. Thank you.</p> <p>21 Q. Sure. Do you know what Detective Dent said to</p> <p>22 Ms. Conklin in buying the marijuana? He just showed</p> <p>23 fictitious papers indicating that he either had a card</p> <p>24 or had applied for a card?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 74</p> <p>1 BY MR. BENSON:</p> <p>2 Q. All right, I'll hand you what's been marked as 1, that</p> <p>3 is the Affidavit of Adam Dent. You've had the</p> <p>4 opportunity to review that, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Just now, correct?</p> <p>7 A. Correct.</p> <p>8 MR. BENSON: Okay. Could you read the</p> <p>9 question back to the witness?</p> <p>10 (The requested portion of the record was</p> <p>11 read by the reporter at 12:14 p.m.)</p> <p>12 A. Okay, the statements made on the first page of the</p> <p>13 Affidavit, I don't object to anything on there. What</p> <p>14 I had issues with was the references to the other</p> <p>15 things, for instance, the McQueen and the Hartwick</p> <p>16 case, you know, his affirmations that our business</p> <p>17 model was running the same as these other two</p> <p>18 individuals, when they in fact did not apply at all to</p> <p>19 our model. I mean, I guess that would be the only</p> <p>20 thing that I'd disagree with.</p> <p>21 BY MR. BENSON:</p> <p>22 Q. Okay. And just for point of clarification, you're on</p> <p>23 page 2?</p> <p>24 A. Correct.</p> <p>25 Q. Okay. Could you just kind of point generally where</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Did he give any additional information other than to</p> <p>2 show her the card -- or, excuse me, show her the</p> <p>3 paperwork, to your knowledge?</p> <p>4 A. Not to my knowledge.</p> <p>5 Q. Okay. Your attorney was kind enough to provide us</p> <p>6 with a report of inspection from the State of Michigan</p> <p>7 Department of Treasury detailing the inspection that</p> <p>8 occurred on July 9th of 2014. Much of what they</p> <p>9 described occurred when you were not present. The</p> <p>10 last paragraph just above the phrase seizure of</p> <p>11 tobacco products has a paragraph in there that I</p> <p>12 wonder if you would take a moment to read that</p> <p>13 paragraph? I'm sorry, it's the one just above -- it's</p> <p>14 that one right there, yeah, the last paragraph just</p> <p>15 before seizure of tobacco products?</p> <p>16 A. Okay, and your question is?</p> <p>17 Q. Does that accurately describe your encounter with the</p> <p>18 author of this report?</p> <p>19 A. Yes. In compact form, yes.</p> <p>20 MARKED FOR IDENTIFICATION</p> <p>21 DEPOSITION EXHIBIT 2</p> <p>22 12:19 p.m.</p> <p>23 Q. Normally, you do this first, but I'll hand you what's</p> <p>24 been marked as Exhibit Number 2, and that is the</p> <p>25 report of inspection. And I had just asked you a</p>

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<p style="text-align: right;">Page 77</p> <p>1 question about that last paragraph.</p> <p>2 Is Exhibit 2 what you were referring to?</p> <p>3 A. Yes.</p> <p>4 MR. BENSON: Okay, I've got nothing</p> <p>5 further, thank you.</p> <p>6 EXAMINATION</p> <p>7 BY MR. SADOWSKI:</p> <p>8 Q. Mr. Antol, I'm Adam Sadowski, as you know, I represent</p> <p>9 Defendant Trucks.</p> <p>10 I've seen your discovery responses, and you</p> <p>11 would agree that you personally, on behalf of just</p> <p>12 yourself, are not making any claims against Defendant</p> <p>13 Trucks, correct?</p> <p>14 A. Correct. I don't believe I had any encounter with</p> <p>15 Trucks.</p> <p>16 Q. Okay.</p> <p>17 A. To my knowledge. He may have been at the store, but</p> <p>18 there was probably close to, I don't know, eight or --</p> <p>19 eight to 12 officers at the store. I couldn't tell</p> <p>20 who was an officer, who wasn't. Some were in uniform,</p> <p>21 some were -- you know, they had like open carrying, I</p> <p>22 guess. There was quite a few people out in the</p> <p>23 parking lot, some customers, some neighbors. But I</p> <p>24 honestly don't think I ever encountered Trucks.</p> <p>25 Q. Okay. So it's your three sons that have claims</p>	<p style="text-align: right;">Page 79</p> <p>1 there any other claims, to your knowledge, on behalf</p> <p>2 of any of your kids against Defendant Trucks?</p> <p>3 A. Here again, to reiterate, we're not sure which one of</p> <p>4 the officers he is. A picture to my son would help</p> <p>5 clarify that. He may or may not have been one of the</p> <p>6 two officers holding a gun at my son. I can't say. I</p> <p>7 wasn't there. That would be a question for my son.</p> <p>8 MR. SADOWSKI: Okay. Well, then I have no</p> <p>9 further questions, thank you.</p> <p>10 EXAMINATION</p> <p>11 BY MR. BOSTIC:</p> <p>12 Q. I just want to clear up a couple things while we're</p> <p>13 all here together.</p> <p>14 Look at Exhibit 2.</p> <p>15 MR. BENSON: That's the inspection right</p> <p>16 there.</p> <p>17 A. Me or him?</p> <p>18 BY MR. BOSTIC:</p> <p>19 Q. You. The last few pages.</p> <p>20 A. Yeah, this was the sample of the --</p> <p>21 Q. Right?</p> <p>22 A. -- shisha.</p> <p>23 Q. But what I wanted to clarify for the record was that</p> <p>24 we have a report, which is seven pages, the first</p> <p>25 seven pages. The last few pages appear to be printed</p>
<p style="text-align: right;">Page 78</p> <p>1 against Trucks, or is it just Devon and [redacted] is it?</p> <p>2 A. Yeah, I think it would be just Devon and [redacted]</p> <p>3 Q. Okay.</p> <p>4 A. Or maybe Tryston did, too, because Trucks was at the</p> <p>5 home.</p> <p>6 Q. Okay. What did Devon tell you that Defendant Trucks</p> <p>7 did, or was he able to provide you with that level of</p> <p>8 detail?</p> <p>9 A. To me, he hasn't, no. I mean, they -- it's hard to</p> <p>10 say, because, I mean, we're -- I can't even put a face</p> <p>11 to the name. I mean, I -- and I wasn't there at the</p> <p>12 house. To me, it would be different if you were</p> <p>13 asking the kids and you had a picture of him, and then</p> <p>14 they'd be able to specify, you know, okay, yeah, I</p> <p>15 remember this guy, you know, whatever. But as far as</p> <p>16 me, I wasn't at the home, and Devon and Tryston</p> <p>17 weren't at the moment either. So as far as I know,</p> <p>18 with Trucks, it would have only been [redacted] to my</p> <p>19 knowledge. But, I mean, there may be other things</p> <p>20 ensuing per the -- you know, the -- our alleged</p> <p>21 illegal search and seizure, you know, things that were</p> <p>22 -- his room and his due process being violated, that's</p> <p>23 -- I don't -- I don't believe I'm part of that.</p> <p>24 Q. Okay. Other than Defendant Trucks being involved in</p> <p>25 the search of the North Green Creek residence, is</p>	<p style="text-align: right;">Page 80</p> <p>1 off the internet. Do you know -- I wanted to clarify</p> <p>2 whether this is something that you or I printed off?</p> <p>3 A. I didn't.</p> <p>4 Q. Or whether it was part of Parolini's report, if you</p> <p>5 remember?</p> <p>6 A. I didn't print this off.</p> <p>7 Q. Okay.</p> <p>8 A. This isn't anything I did.</p> <p>9 Q. All right. When we had a break, did we -- you and I</p> <p>10 have an opportunity to discuss who Michael Tozer might</p> <p>11 be?</p> <p>12 A. Yes.</p> <p>13 Q. What do you think?</p> <p>14 A. I believe he was my electrician.</p> <p>15 MR. BENSON: Oh, thank you. I know the</p> <p>16 reference then, thanks.</p> <p>17 A. Okay.</p> <p>18 BY MR. BOSTIC:</p> <p>19 Q. And the -- looking at your Interrogatory Answers,</p> <p>20 under number 9, I want to see if you want to correct</p> <p>21 your answer about whether E was from the same incident</p> <p>22 in July as -- as D? Do you understand that D was the</p> <p>23 July 9, 2014 search warrant on all three locations,</p> <p>24 correct?</p> <p>25 A. Okay.</p>

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1 Q. And then later in that same year, did you have a
2 separate case?
3 A. Yes.
4 Q. Okay. So E was not -- they were resolved together,
5 correct?
6 A. Correct.
7 Q. But they didn't occur together?
8 A. But it was dropped, but they didn't occur together.
9 MR. BOSTIC: Okay, that's all I have.
10 MR. BENSON: I don't have anything further.
11 MR. SADOWSKI: I don't either.
12 (The deposition was concluded at 12:25 p.m.
13 Signature of the witness was not requested by
14 counsel for the respective parties hereto.)
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1 CERTIFICATE OF NOTARY
2 STATE OF MICHIGAN)
3) SS
4 COUNTY OF KENT)
5

6 I, CAROL L. GAVIGAN, certify that this
7 deposition was taken before me on the date
8 hereinbefore set forth; that the foregoing questions
9 and answers were recorded by me stenographically and
10 reduced to computer transcription; that this is a
11 true, full and correct transcript of my stenographic
12 notes so taken; and that I am not related to, nor of
13 counsel to, either party nor interested in the event
14 of this cause.
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Carol L. Gavigan

22 CAROL L. GAVIGAN, CSR-2494, RPR
23 Notary Public,
24 Kent County, Michigan.
25 My Commission expires: April 10, 2021